

Jennifer Wood
Mayor

J. Carlos Gomez
Mayor Pro Tem

Chuck McGuire
Councilmember

Donald Parris
Councilmember

Eugene Stump
Councilmember



AGENDA

CITY OF CALIFORNIA CITY CITY COUNCIL

Tuesday July 24, 2018

Regular Meeting 6:00 p.m.

Council Chambers
21000 Hacienda Blvd.
California City, Ca 93505

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (760) 373-7140. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

NOTE: Any writings or documents provided to a majority of the City Council regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting

LATE COMMUNICATIONS: Following the posting of the agenda any emails, writings or documents that the public would like to submit to the council must be received by the City Clerk no later than 3pm the Monday prior to the meeting. Past that deadline citizens may bring these items directly to the meeting. Please bring 10 copies for distribution to council, staff and the public.

July 24, 2018

*****At this time, please take a moment to turn off your cell phones*****

CALL TO ORDER

PLEDGE OF ALLEGIANCE / INVOCATION

ROLL CALL

Councilmembers McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

ADOPT AGENDA

CITY CLERK REPORTS / LATE COMMUNICATIONS

PRESENTATIONS

City Treasurer Middleton – June 2018 Report of Investment

STAFF ANNOUNCEMENTS / REPORTS

Police Chief Hurtado – Department Update

Fire Chief Goodell – Department Update

Public Works Director Platt – Department Update

Interim Finance Director Sadeghian – Department Update

Parks & Recreation Manager Daverin – Parks and Recreation Update

City Manager Stockwell – City Updates

AB 1234 – Council Updates

CIVIC / COMMUNITY / ORGANIZATIONS ANNOUNCEMENTS

PUBLIC BUSINESS FROM THE FLOOR This portion of the meeting is reserved for persons desiring to address the City Council on any matter not on this agenda, and over which the City Council has jurisdiction. Please state your name for the record and limit your comments to three minutes.

CONSENT CALENDAR All items on the consent calendar are considered routine and non-controversial and will be approved by one motion if no member of the Council, staff or public wishes to comment or ask questions. (Public comments to be limited to three minutes) Roll call vote required.

CC 1. Approve City Check Registers dated through 07/18/18

CC 2. MINUTES dated 02/26/18, 03/21/18, 03/27/18

(Waive reading of subject minutes, approve as written, and order filed)

CC 3. Adopt “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA, CALLING AN ELECTION FOR THE OFFICES OF MAYOR, TWO CITY COUNCIL MEMBERS AND TREASURER; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6,**

July 24, 2018

2018, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE"

- CC 4.** Kern County Aging and Adult Services: Cooling Center Professional Services Agreement
- CC 5.** Police Department: Proposed Police Jailer Positions

PUBLIC HEARING

- PH 1.** Initial Study & Negative Declaration for Zone Change (ZC -190) General Plan Amendment (GPA-190) - Public Works Director Platt

PUBLIC HEARING PROCEDURE

- A. Mayor read the item
- B. Mayor reopen the Public Hearing open
- C. Hear staff report
- D. Council questions only
- E. Ask city clerk to report on any communication(s)
- F. Mayor call for public testimony
- G. Close Public Hearing by motion
- H. Council discussion
- I. Council motion and vote

Recommendation

Council discuss, take public comments, and adopt

- 1) Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS"
- 2) Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE GENERAL PLAN DESIGNATION OF AN AREA FROM OPEN SPACE RESIDENTIAL AGRICULTURAL (O/RA) TO REGIONAL COMMERCIAL ZONE (C5)"
- 3) Give First Reading, by Title Only, With Further Reading Waived, of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REZONING A 3.13 ACRE PARCEL LOCATED 4.5 MILES NORTH OF CALIFORNIA CITY BOULEVARD ON THE EAST SIDE OF STATE HIGHWAY 14 FROM OPEN SPACE RESIDENTIAL AGRICULTURAL (O/RA) TO REGIONAL COMMERCIAL ZONE (C5)"

CONTINUED BUSINESS

- CB 1.** Amendments to Cannabis Business Ordinances – City Manager Stockwell

Recommendation

Council receive and discuss the proposed amendments, consider any changes and introduce the first reading of the Ordinance, by title only, and schedule for second reading and adoption on August 14, 2018.

July 24, 2018

COUNCIL AGENDA

This portion of the meeting is reserved for council members to present information, announcements, and items that have come to their attention. The Brown Act precludes Council, staff or public discussion. Short staff responses are appropriate. The Council will take no formal action. A Council member may request the City Clerk to calendar an item for consideration at a future meeting or refer an item to staff.

Councilmember Parris
Councilmember Stump
Councilmember McGuire
Mayor Pro Tem Gomez
Mayor Wood

ADJOURNMENT

AFFIDAVIT OF POSTING: This agenda was posted on all official City bulletin boards, the City's website and agenda packets were completely accessible to the public at City Hall at least 72 hours prior to the Council Meeting.

Denise Hilliker, City Clerk

California City, California 93505
TREASURER'S MONTHLY REPORT OF INVESTMENT
June 2018

The general investment portfolio consists of funds for operations, capital improvement projects (CPI), water rate stabilization, administration replacements and reserves.

General Investment Accounts	Balance on 5/31/2018	Net Transactions	Balance on 6/30/2018	Percent of Total
Local Agency Investment Fund (122)	\$ 7,294,983	\$ 2,000,000	\$ 9,294,983	60.12%
Kern County Investment Fund (20202)	\$ 4,109,241	\$ 8,885	\$ 4,118,126	26.64%
Sub-Total Investment Accounts	\$ 11,404,224	\$ 2,008,885	\$ 13,413,109	
General Operating Accounts	5/31/2018	Net Transactions	6/30/2018	
Bank of the Sierra -- General Checking	\$ 2,928,067	\$ (881,375)	\$ 2,046,691	13.24%
Petty Cash - Total All Departments	\$ 450	\$ -	\$ 450	0.00%
Imprest (cash drawers) - Total All Departments	\$ 875	\$ 150	\$ 1,025	0.01%
Sub-Total Operating Accounts	\$ 2,929,392	\$ (881,225)	\$ 2,048,166	
Total City Operating Funds	\$ 14,333,616	\$ 1,127,660	\$ 15,461,276	100.00%

Restricted Housing Corporation Accounts				
Checking & CD Accounts	5/31/2018	Net Transactions	6/30/2018	
Housing Corp. -- Bank of the Sierra, Checking	\$ 781,741	\$ (186,882)	\$ 594,859	72.11%
Housing Corp. -- Bank of the Sierra, CD 0350	\$ 71,505	\$ 3	\$ 71,508	8.67%
Housing Corp. -- Bank of the Sierra, CD 7653	\$ 30,735	\$ 1	\$ 30,736	3.73%
Housing Corp. -- Bank of the Sierra, CD 7654	\$ 20,869	\$ 1	\$ 20,870	2.53%
Housing Corp. -- Bank of the Sierra, CD 7655	\$ 45,227	\$ 2	\$ 45,229	5.48%
Housing Corp. -- Bank of the Sierra, CD 9374	\$ 61,688	\$ 7	\$ 61,696	7.48%
Total Housing Corporation Funds	\$ 1,011,765	\$ (186,867)	\$ 824,898	100.00%

Restricted Successor Agency Accounts				
Checking Account	5/31/2018	Net Transactions	6/30/2018	
Successor Agency -- Bank of the Sierra, Checking	\$ 1,915,313	\$ (14,748)	\$ 1,900,565	100.00%
Total Successor Agency Funds	\$ 1,915,313	\$ (14,748)	\$ 1,900,565	100.00%

Restricted SDI Agency Accounts				
Checking & CD Accounts	5/31/2018	Net Transactions	6/30/2018	
(SDI) -- Bank of the Sierra, Checking	\$ 10,975	\$ -	\$ 10,975	0.01%
(SDI) CD with Bank of the Sierra	\$ 814,223	\$ 982	\$ 815,205	0.95%
Sub-Total SDI Checking & CD Accounts	\$ 10,975	\$ 982	\$ 826,180	
Investment Account (Updated Monthly)	5/31/2018	Net Transactions	6/30/2018	
(SDI) US Bank Investments	\$ 85,200,088	\$ 35,804	\$ 85,235,892	99.04%
Sub-Total US Bank Investment Account	\$ 85,200,088	\$ 35,804	\$ 85,235,892	
Total SDI Agency Funds	\$ 85,211,063	\$ 851,009	\$ 86,062,072	100.00%

Presentation

California City, California 93505
TREASURER'S MONTHLY REPORT OF INVESTMENT
June 2018

INVESTMENT POLICY

The Treasurer shall invest the City's monies as permitted in the City's approved investment policy. The Treasurer shall consider current and projected cash needs in making such investments.

* Contact City Treasurer for US Bank investment breakdown.

US Bank		
Market Value Summary - CUSTODIAN ACCOUNT	5/31/2018	6/30/2018
Beginning Market Value	84,001,134	84,337,975
Ending Market Value	84,337,975	84,373,779
Investment Results	336,841	35,804
Market Value Summary - REDEVELOPEMENT AGENCY PROJ AREA TAX	5/31/2018	6/30/2018
Beginning Market Value	16	16
Ending Market Value	16	16
Investment Results	-	-
Market Value Summary - SUCCESSOR AGENCY Proj Area TAX INTEREST	5/31/2018	6/30/2018
Beginning Market Value	7	7
Ending Market Value	7	7
Investment Results	-	-
Market Value Summary - SUCCESSOR AGENCY Proj Area TAX PRINCIPAL	5/31/2018	6/30/2018
Beginning Market Value	7	7
Ending Market Value	7	7
Investment Results	-	-
Market Value Summary - SUCCESSOR AGENCY Proj Area TAX RESERVE	5/31/2018	6/30/2018
Beginning Market Value	862,082	862,082
Ending Market Value	862,082	862,082
Investment Results	-	-
Total "US Bank" Investment Assets	85,200,088	85,235,892

Report Criteria:

Report type: Invoice detail

Vendor.Vendor Number = {<>} 1039

Bank.Bank Number = 1

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/18	07/18/2018	90607	Westcoast Realty	Refund 20966 83rd	101308.02	38.46-	38.46-
07/18	07/18/2018	90607	Westcoast Realty	Refund 20960 83rd St	101455.02	26.08-	26.08-
Total 90607:							64.54-
07/18	07/18/2018	100321	Echenique, Joseph	Refund Kennedy/Aristotle	106911.01	42.04-	42.04-
Total 100321:							42.04-
07/18	07/18/2018	101094	Flores, Gloria	Deposit Refund	100998.06	55.10-	55.10-
Total 101094:							55.10-
07/18	07/18/2018	102576	Philip Blake	Tortoise Days Booth Depos	TD DEP REF 18-8	25.00-	25.00-
Total 102576:							25.00-
07/18	07/16/2018	102888	AmeriPride	Uniform repair/maint	2100688184	172.24-	172.24-
07/18	07/16/2018	102888	AmeriPride	Uniform repair/maint	2100689698	173.24-	173.24-
Total 102888:							345.48-
07/18	07/18/2018	102989	Catherine Clum & Philip Blake	Deposit Refund	101258.05	5.03-	5.03-
Total 102989:							5.03-
07/18	07/11/2018	103091	Bob Dacey	Equipment Purchase	EQUIP PURCH 0628	6,700.00	6,700.00
Total 103091:							6,700.00
07/18	07/11/2018	103092	Hall Letter Shop, Inc	Postage - Waste Manageme	D7027	850.00	850.00
Total 103092:							850.00
07/18	07/12/2018	103094	Kern County Elections	Special Election 041018	SE 041018	40,804.80	40,804.80
Total 103094:							40,804.80
07/18	07/18/2018	103095	AT&T Wireless	Fire Cellular Data and Phon	2874281248059X07	1,976.00	1,976.00
Total 103095:							1,976.00
07/18	07/18/2018	103096	Eastern Kern APCD	Emission Reduction Credit	00030001-101	125.00	125.00
Total 103096:							125.00
07/18	07/18/2018	103097	Frontier	Pool Building Phone Servic	060418-5 070418	51.70	51.70
Total 103097:							51.70
07/18	07/18/2018	103098	Southern California Edison Co	Solar Allocation	2-01-388-5074 070	72,627.86	72,627.86
07/18	07/18/2018	103098	Southern California Edison Co	Aspen Mall Lighting	2-29-857-0987 071	138.08	138.08

#103093 See separate Breakdown attached

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/18	07/19/2018	103105	Borton Petrini LLP	Aries. R Case CC 038	659001	1,813.70	1,813.70
Total 103105:							1,813.70
07/18	07/19/2018	103106	Bound Tree Medical	Sterile Water for Wound Irr	82913859	167.76	167.76
Total 103106:							167.76
07/18	07/19/2018	103107	BSN Sports, LLC	WheelChair Accessible Tabl	9533232	1,322.72	1,322.72
Total 103107:							1,322.72
07/18	07/19/2018	103108	Cal City Pet Clinic	Voucher Program Jun 2018	41109	1,120.00	1,120.00
Total 103108:							1,120.00
07/18	07/19/2018	103109	California Diamond Products	Water Dept Drive Line w/Sl	IN0116911	2,330.68	2,330.68
Total 103109:							2,330.68
07/18	07/19/2018	103110	Caselle, Inc	Contract Support & Mainte	88984	2,087.00	2,087.00
Total 103110:							2,087.00
07/18	07/19/2018	103111	Chief Supply Corporation, Inc	Uniform Jailer	47472	64.48	64.48
07/18	07/19/2018	103111	Chief Supply Corporation, Inc	Flat Badge Wallet	48996	39.48	39.48
Total 103111:							103.96
07/18	07/19/2018	103112	City Hardware, Inc	Pool Maintenance	100222 063018	182.43	182.43
07/18	07/19/2018	103112	City Hardware, Inc	Pool Maintenance	100398 063018	72.53	72.53
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100402 063018	177.73	177.73
07/18	07/19/2018	103112	City Hardware, Inc	Pool Maintenance	100404 063018	78.75	78.75
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100406 063018	266.65	266.65
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100407 063018	117.97	117.97
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100409 063018	2,045.13	2,045.13
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100410 063018	322.14	322.14
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100411 063018	70.71	70.71
07/18	07/19/2018	103112	City Hardware, Inc	PW Hardware Supplies	100902 043018	53.36	53.36
Total 103112:							3,387.40
07/18	07/19/2018	103113	Classic Lock & Keys	TDS Rekeying	18147	80.00	80.00
Total 103113:							80.00
07/18	07/19/2018	103114	Coastline Equipment	Tractor Repair	499914	46.66	46.66
Total 103114:							46.66
07/18	07/19/2018	103115	Code3 IT	Top Hat Power Tamer Tim	40737	271.96	271.96
07/18	07/19/2018	103115	Code3 IT	Unit 3006 Lightbar Repair	40739	237.50	237.50
07/18	07/19/2018	103115	Code3 IT	Add'l IT Hours	40748	4,601.25	4,601.25
Total 103115:							5,110.71
07/18	07/19/2018	103116	CoreLogic Solutions	Metroscan Mapping Softwa	81899286	257.50	257.50

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103116:							257.50
07/18	07/19/2018	103117	County of Kern	Airport Permit	IN0412690	1,945.00	1,945.00
07/18	07/19/2018	103117	County of Kern	WWTP Permit	IN0412812	7,649.00	7,649.00
07/18	07/19/2018	103117	County of Kern	Pool Health Permit	IN0413498	160.00	160.00
Total 103117:							9,754.00
07/18	07/19/2018	103118	Craig, Jacqueline	Uniform Allowance	UNIFORM 2018/201	600.00	600.00
Total 103118:							600.00
07/18	07/19/2018	103119	Dennis Automotive	Unit 3007 Maintenance	18467	64.00	64.00
07/18	07/19/2018	103119	Dennis Automotive	Unit 3001 Maintenance	18499	40.00	40.00
07/18	07/19/2018	103119	Dennis Automotive	Unit 309 Maintenance	18513	248.00	248.00
Total 103119:							352.00
07/18	07/19/2018	103120	Department of Justice	Cannabis Related Live Scan	266624	160.00	160.00
07/18	07/19/2018	103120	Department of Justice	Cannabis Related Live Scan	272501	111.00	111.00
07/18	07/19/2018	103120	Department of Justice	Cannabis Related Live Scan	283734	96.00	96.00
07/18	07/19/2018	103120	Department of Justice	Cannabis Related Live Scan	301227	98.00	98.00
07/18	07/19/2018	103120	Department of Justice	Live Scans Jun 2018	312561	641.00	641.00
Total 103120:							1,106.00
07/18	07/19/2018	103121	Department of Justice	CCW Renewal	CCW 18-0014	52.00	52.00
Total 103121:							52.00
07/18	07/19/2018	103122	Department of Transportation	Signals & Lighting Billing	SL181109	78.28	78.28
Total 103122:							78.28
07/18	07/19/2018	103123	DigiTech Inc.	Security Service Strata Cent	8739	551.88	551.88
07/18	07/19/2018	103123	DigiTech Inc.	Quarterly monitoring Par 3	8740	137.97	137.97
07/18	07/19/2018	103123	DigiTech Inc.	Security Service Balsitis Pa	8750	35.99	35.99
07/18	07/19/2018	103123	DigiTech Inc.	Security Service Scout Islan	8808	45.99	45.99
Total 103123:							771.83
07/18	07/19/2018	103124	Downs, Joellen	Uniform Allowance	UNIFORM 2018/201	600.00	600.00
Total 103124:							600.00
07/18	07/19/2018	103125	Entenmann-Rovin Company	Badge - Lopez	0136811-IN	33.81	33.81
Total 103125:							33.81
07/18	07/19/2018	103126	Expert Automotive	Unit 328 Service	46118	934.33	934.33
07/18	07/19/2018	103126	Expert Automotive	Unit 326 Service	46140	629.90	629.90
Total 103126:							1,564.23
07/18	07/19/2018	103127	Fed Ex	Priority Mailings	6-230-07781	107.76	107.76
07/18	07/19/2018	103127	Fed Ex	Priority Mailings	6-236-76691	31.92	31.92

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103127:							139.68
07/18	07/19/2018	103128	Ferguson Waterworks	79th Street Project Material	0636697	1,607.47	1,607.47
07/18	07/19/2018	103128	Ferguson Waterworks	Inventory	0639709	70.77	70.77
07/18	07/19/2018	103128	Ferguson Waterworks	Install Main, Poppy & North	0640133	804.86	804.86
07/18	07/19/2018	103128	Ferguson Waterworks	Install Main, Poppy & North	0640369	29.93	29.93
Total 103128:							2,513.03
07/18	07/19/2018	103129	General Office Prod Ctr	Copier Expenses	13212	262.25	262.25
Total 103129:							262.25
07/18	07/19/2018	103130	Gladwell Governmental Serv	Election Services Consultan	3936	1,092.50	1,092.50
Total 103130:							1,092.50
07/18	07/19/2018	103131	Guzman, Jason	Paramedic Certification	PARAMED CERT 20	455.00	455.00
Total 103131:							455.00
07/18	07/19/2018	103132	Helt Engineering, Inc	Rands Mojave Rehab 1540	18-291	.00	.00
07/18	07/19/2018	103132	Helt Engineering, Inc	Plan Check SDR 17-04 174	18-292	.00	.00
07/18	07/19/2018	103132	Helt Engineering, Inc	Balsitis ADA Restrooms 17	18-295	.00	.00
07/18	07/19/2018	103132	Helt Engineering, Inc	Systemic Safety Analysis Rp	18-297	.00	.00
Total 103132:							.00
07/18	07/19/2018	103133	Hightower, Kristy	Uniform Allowance	UNIFORM 2018/201	600.00	600.00
Total 103133:							600.00
07/18	07/19/2018	103134	Holloway Environmental	Biosolids Removal	319	632.57	632.57
Total 103134:							632.57
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Retainer	87755	34,496.61	34,496.61
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Amer Solar	87757	42.48	42.48
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Election	87758	6,169.23	6,169.23
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Code Enf	87759	6,892.44	6,892.44
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Labor	87763	276.09	276.09
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Lit Dacey	87764	917.51	917.51
07/18	07/19/2018	103135	Jones & Mayer	Gen Litigation	87765	201.39	201.39
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Lit Kern	87766	179.02	179.02
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Cannibis	87767	3,408.71	3,408.71
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Non-Retainer	87768	998.19	998.19
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees PD	87770	41.21	41.21
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees Successor	87773	212.38	212.38
07/18	07/19/2018	103135	Jones & Mayer	Atty Fees TDS Golf	87774	934.47	934.47
Total 103135:							54,769.73
07/18	07/19/2018	103136	Karnazes, Steven	Ice, Water for CR118-0943	010624366041500	94.49	94.49
Total 103136:							94.49
07/18	07/19/2018	103137	Kieffe & Sons Ford	Unit 206 Repair	33198	2,048.01	2,048.01
07/18	07/19/2018	103137	Kieffe & Sons Ford	Late Charge Inv 33198	FC600	30.72	30.72

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103137:							2,078.73
07/18	07/19/2018	103138	Lopez, Ronny	Uniform Allowance	UNIFORM 2018/201	600.00	600.00
Total 103138:							600.00
07/18	07/19/2018	103139	M & S Security Services	Security Service City Hall,	23161	450.00	450.00
Total 103139:							450.00
07/18	07/19/2018	103140	Martha's Cleaning Service	Janitorial City Hall	1660	400.00	400.00
Total 103140:							400.00
07/18	07/19/2018	103141	Mary Valenti, PhD Psychologis	Pre Employment Screening	070518 KARNAZES	400.00	400.00
Total 103141:							400.00
07/18	07/19/2018	103142	McMaster Carr	WTTP Misc Repair Material	66586987	52.44	52.44
07/18	07/19/2018	103142	McMaster Carr	Building Maint Materials	66920873	86.43	86.43
Total 103142:							138.87
07/18	07/19/2018	103143	Mediawaste Disposal	Medical Waste Removal	0000054033	68.14	68.14
Total 103143:							68.14
07/18	07/19/2018	103144	Merchant's Printing & Envelo	window envelopes	8881259	427.07	427.07
Total 103144:							427.07
07/18	07/19/2018	103145	Middleton, Keith	Mileage Reimbursement	MILEAGE JUN 2018	19.18	38.36
Total 103145:							38.36
07/18	07/19/2018	103146	Mission Uniform Service	Laundry Service PD	507768026	52.57	52.57
Total 103146:							52.57
07/18	07/19/2018	103147	Mojave Desert News	P&R Job Opening Ad	50971	104.00	104.00
07/18	07/19/2018	103147	Mojave Desert News	Legal Notice	51004	51.10	51.10
07/18	07/19/2018	103147	Mojave Desert News	Legal Notice	51060	182.50	182.50
07/18	07/19/2018	103147	Mojave Desert News	Legal Notice	51061	54.75	54.75
Total 103147:							392.35
07/18	07/19/2018	103148	Mojave Public Utility Dis	Wonder Acres	006090-000 063018	2,807.02	2,807.02
Total 103148:							2,807.02
07/18	07/19/2018	103149	MuniTemps	Interim Finance Director	128371	3,680.00	3,680.00
07/18	07/19/2018	103149	MuniTemps	Planning Dept Staffing	128372	3,551.63	3,551.63
07/18	07/19/2018	103149	MuniTemps	Interim Finance Director	128412	7,360.00	7,360.00
07/18	07/19/2018	103149	MuniTemps	Planning Dept Staffing	128456	3,069.00	3,069.00
Total 103149:							17,660.63
07/18	07/19/2018	103150	Norm Hill Aviation	Airport Internet Jul2018	3104	50.00	50.00

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103150:							50.00
07/18	07/19/2018	103151	Office Depot	Office Supplies	153657423002	7.48	7.48
07/18	07/19/2018	103151	Office Depot	PD Office Supplies	160261570001	24.66	24.66
07/18	07/19/2018	103151	Office Depot	PD Office Supplies	160261687001	19.78	19.78
07/18	07/19/2018	103151	Office Depot	PD Office Supplies	160261688001	10.59	10.59
Total 103151:							62.51
07/18	07/19/2018	103152	Reliable Air Condit. & Heating	Senior Center A/C Repair	18549	115.00	115.00
Total 103152:							115.00
07/18	07/19/2018	103153	Rojo, Payo	Red Cross Training	171512	72.00	72.00
Total 103153:							72.00
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1070732	2.00	2.00
07/18	07/19/2018	103154	RSI Petroleum	Fire Fuel	1071364	988.79	988.79
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071366	2,446.96	2,446.96
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071375	75.84	75.84
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071389	361.53	361.53
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071390	857.47	857.47
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071391	1,133.16	1,133.16
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071402	391.88	391.88
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071424	91.09	91.09
07/18	07/19/2018	103154	RSI Petroleum	Parks Fuel	1071425	49.99	49.99
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071432	400.37	400.37
07/18	07/19/2018	103154	RSI Petroleum	Code Enf Fuel	1071433	38.11	38.11
07/18	07/19/2018	103154	RSI Petroleum	PW Fuel	1071434	53.85	53.85
Total 103154:							6,891.04
07/18	07/19/2018	103155	S.C. Friends Tire Inc.	Unit 100 Tires	33867	380.50	380.50
07/18	07/19/2018	103155	S.C. Friends Tire Inc.	Tire Service	33869	10.00	10.00
07/18	07/19/2018	103155	S.C. Friends Tire Inc.	Units 105,122,123,124 tire	33887	723.68	723.68
07/18	07/19/2018	103155	S.C. Friends Tire Inc.	Tire Service	33910	20.50	20.50
07/18	07/19/2018	103155	S.C. Friends Tire Inc.	Tire Service	33939	2,314.28	2,314.28
07/18	07/19/2018	103155	S.C. Friends Tire Inc.	Tire Service	33942	15.00	15.00
Total 103155:							3,463.96
07/18	07/19/2018	103156	Schultheiss, Ryun	Uniform Allowance	UNIFORM 2018/201	600.00	600.00
Total 103156:							600.00
07/18	07/19/2018	103157	Security Lines US	Refurbish City Camera #5	1434	890.00	890.00
Total 103157:							890.00
07/18	07/19/2018	103158	Senior Citizen Assn of Calif Cit	Apr-Jun2018 Reimburseme	APR-JUN 2018	1,902.13	1,902.13
Total 103158:							1,902.13
07/18	07/19/2018	103159	Sequoia Equipment Company,	Repair Unit 224	2761	16,372.11	16,372.11
Total 103159:							16,372.11

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
07/18	07/19/2018	103160	Solenis LLC	WWTP Supplies	131325666	769.63	769.63
Total 103160:							769.63
07/18	07/19/2018	103161	Southern California Fleet Serv,	ME19 Repairs	RV849316	695.39	695.39
Total 103161:							695.39
07/18	07/19/2018	103162	Stroh MD, John Jay	Medical Director Compensa	070218	2,000.00	2,000.00
Total 103162:							2,000.00
07/18	07/19/2018	103163	TransUnion Risk & Alternativ	Evidence Research Tool	213800 063018	490.00	490.00
Total 103163:							490.00
07/18	07/19/2018	103164	Tyack's Tires, Inc	Unit 221 Tires	182614	1,122.67	1,122.67
07/18	07/19/2018	103164	Tyack's Tires, Inc	Unit 221 Tires	182710	447.91	447.91
Total 103164:							1,570.58
07/18	07/19/2018	103165	UPS	Shipping Service Charges	0000Y0573V288	49.80	49.80
Total 103165:							49.80
07/18	07/19/2018	103166	Vazquez, Richard	Operator Grade V Certificat	529	365.00	365.00
Total 103166:							365.00
07/18	07/19/2018	103167	VCA Code	Plan Check	74612	51,866.35	51,866.35
07/18	07/19/2018	103167	VCA Code	Plan Check	74648	647.50	647.50
Total 103167:							52,513.85
07/18	07/19/2018	103168	Waste Management	Balsitis Park Portolet	0004420-4808-8	301.85	301.85
07/18	07/19/2018	103168	Waste Management	Roll-off Services	3791991-2508-7	713.77	713.77
Total 103168:							1,015.62
07/18	07/19/2018	103169	West Coast AML Services, LLC	3rd Party Review-MMB Ap	CC/03-2018	10,487.50	10,487.50
Total 103169:							10,487.50
07/18	07/19/2018	103170	Willdan Engineering	Landscape & Lighting Distri	010-38394	946.62	946.62
Total 103170:							946.62
07/18	07/19/2018	103171	Zee Medical	PW First Aid Kit Refills	34-225408	182.16	182.16
07/18	07/19/2018	103171	Zee Medical	First Aid Supplies	34-225411	50.84	50.84
Total 103171:							233.00
07/18	07/19/2018	103172	Zters	Port-A-Potty Service	297822	211.81	211.81
Total 103172:							211.81
07/18	07/18/2018	103173	Catherine Clum	Deposit Refund	101258.05	5.03	5.03
07/18	07/18/2018	103173	Catherine Clum	Tortoise Days Booth Depos	TD DEP REF 18-8	25.00	25.00

Package since noted check

GL Period	Check Issue Date	Check Number	Payee	Description	Invoice Number	Invoice Amount	Check Amount
Total 103173:							30.03
07/18	07/18/2018	103174	Echenique, Joseph	Refund Kennedy/Aristotle	106911.01	42.04	42.04
Total 103174:							42.04
07/18	07/18/2018	103175	Flores, Gloria	Deposit Refund	100998.06	55.10	55.10
Total 103175:							55.10
07/18	07/18/2018	103176	Westcoast Realty	Refund 20966 83rd	101308.02	38.46	38.46
07/18	07/18/2018	103176	Westcoast Realty	Refund 20960 83rd St	101455.02	26.08	26.08
Total 103176:							64.54
07/18	07/19/2018	103177	Helt Engineering, Inc	Rands Mojave Rehab 1540	18-291	1,627.50	1,627.50
07/18	07/19/2018	103177	Helt Engineering, Inc	Balsitis ADA Restrooms 17	18-295	2,125.00	2,125.00
07/18	07/19/2018	103177	Helt Engineering, Inc	Systemic Safety Analysis Rp	18-297	12,030.00	12,030.00
Total 103177:							15,782.50
Grand Totals:							369,076.94

I HEREBY CERTIFY AS TO THE ACCURACY OF THE DEMANDS AND AVAILABILITY OF FUNDS:

Dated: July 18, 2018Finance Department Cynthia Fast

Report Criteria:

Report type: Invoice detail

Vendor.Vendor Number = {<>} 1039

Bank.Bank Number = 1

Report Criteria:

Detail report type printed

Vendor.Name = "US Bank Corporate Payment"

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date	GL Account
1039								
1039	US Bank Corporate P	CM 9301 062518	Hotel Linn PARSAC Board	06/25/2018	472.59	103093	07/11/2018	104131230
		CM 9301 062518	Property ID	06/25/2018	148.50	103093	07/11/2018	104171496
		CM 9301 062518	EDC Breakfast Meeting	06/25/2018	21.74	103093	07/11/2018	104131230
Total CM 9301 062518:					642.83			
		FIN 9269 062518	Grant Reimb Pens	06/25/2018	206.32	103093	07/11/2018	104165495
Total FIN 9269 062518:					206.32			
		FIRE 0779 062518	Adobe Software Subscripti	06/25/2018	14.99	103093	07/11/2018	194222241
Total FIRE 0779 062518:					14.99			
		PARK 2173 062518	Pool Concessions	06/25/2018	279.80	103093	07/11/2018	104562410
		PARK 2173 062518	Fire Extinguisher	06/25/2018	232.05	103093	07/11/2018	104562270
		PARK 2173 062518	Pool Facilities Supplies	06/25/2018	156.85	103093	07/11/2018	104562410
		PARK 2173 062518	Pool Safety Signs	06/25/2018	156.85-			104562410
Total PARK 2173 062518:					511.85			
		PARKS 2173 06251	Pool Safety Signs	06/25/2018	156.85	103093	07/11/2018	104562410
Total PARKS 2173 062518:					156.85			
		PD 0738 062518	Volunteer Shirts	06/25/2018	120.43	103093	07/11/2018	264214140
		PD 0738 062518	Beverages-Special Olympic	06/25/2018	13.50	103093	07/11/2018	284221230

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date	GL Account
		PD 0738 062518	Beverages-Special Olympic	06/25/2018	5.10	103093	07/11/2018	284221230
		PD 0738 062518	PD Backup Internet, Borax	06/25/2018	26.99	103093	07/11/2018	264214241
Total PD 0738 062518:					166.02			
		PD 0746 062518	Unit 383 Paint Job	06/25/2018	853.50	103093	07/11/2018	184212254
		PD 0746 062518	Secure Email Monthly Servi	06/25/2018	270.83	103093	07/11/2018	264214241
		PD 0746 062518	Snake Sticks for ACO	06/25/2018	151.02	103093	07/11/2018	184217450
		PD 0746 062518	USPS Priority Mail	06/25/2018	6.45	103093	07/11/2018	184212241
		PD 0746 062518	Magicard Ribbon	06/25/2018	219.73	103093	07/11/2018	184212241
		PD 0746 062518	Security Camera Internet	06/25/2018	285.78	103093	07/11/2018	184212241
Total PD 0746 062518:					1,787.31			
		PW 9128 062518	Server Replacement Batteri	06/25/2018	119.96	103093	07/11/2018	545410254
Total PW 9128 062518:					119.96			
		PW 9136 062518	Flush Cleanout Plug w/Bra	06/25/2018	12.70	103093	07/11/2018	104161731
		PW 9136 062518	Dishwasher Desert Jade Dis	06/25/2018	32.85-	103093	07/11/2018	744632270
		PW 9136 062518	Dishwasher Desert Jade	06/25/2018	338.53	103093	07/11/2018	744632270
		PW 9136 062518	Janitorial Supplies Dial A Ri	06/25/2018	125.53	103093	07/11/2018	545410450
		PW 9136 062518	Janitorial Supplies Dial A Ri	06/25/2018	64.28	103093	07/11/2018	545410450
		PW 9136 062518	Janitorial Supplies Dial A Ri	06/25/2018	30.48	103093	07/11/2018	545410450
		PW 9136 062518	Janitorial Supplies Dial A Ri	06/25/2018	41.14	103093	07/11/2018	545410450
		PW 9136 062518	BOE Filing Fee	06/25/2018	1.93	103093	07/11/2018	535310611
		PW 9136 062518	BOE Special Tax Airport	06/25/2018	84.00	103093	07/11/2018	535310611
		PW 9136 062518	Janitorial Supplies Airport	06/25/2018	78.75	103093	07/11/2018	535310244
		PW 9136 062518	Office Supplies City Clerk	06/25/2018	8.99	103093	07/11/2018	104132460
		PW 9136 062518	Office Supplies City Clerk	06/25/2018	40.25	103093	07/11/2018	104132460
		PW 9136 062518	Highlighters - City Clerk	06/25/2018	2.78	103093	07/11/2018	104132460

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date	GL Account
Total PW 9136 062518:					796.51			
Grand Totals:					4,402.64			

Report Criteria:

Detail report type printed

Vendor.Name = "US Bank Corporate Payment"

Report Criteria:

Detail report type printed

Vendor.Name = "US Bank Corporate Payment"

[Report].Invoice Amount = 475.07

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date	GL Account
1039								
1039	US Bank Corporate P	PARK 2173 062518	Pool Facilities Supplies	06/25/2018	475.07	103093	07/11/2018	104562410
Total PARK 2173 062518:					475.07			
Grand Totals:					475.07			

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services

Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	DR Water GL Acct	DR Sewer GL Acct	
0	10282601	Housing Corporation/39 Desert Jade	74-4632-287	Water	1,161.31	342.43	342.43		
		9131646	74-4632-288	Sewer		818.88		818.88	
0	10282702	Housing Corporation/39 Desert Jade B	74-4632-287	Water	1,109.92	291.04	291.04		
		9124384	74-4632-288	Sewer		818.88		818.88	
0	10320701	Housing Corporation/8800 Fuchsia	74-4632-287	Water	2,362.84	315.64	315.64		
		15812845	74-4632-288	Sewer		2,047.20		2,047.20	
0	10321101	Housing Corporation/21341 89th	74-4632-287	Water	796.76	182.60	182.60		
		05219101	74-4632-288	Sewer		614.16		614.16	
0	106793.01	City Of Calif City/Borax Bill Pk Bathrms	16-4232-287	Water	282.43	282.43	282.43		
	Wtr	18819303	x	x					
			x	x					
0	106796.01	City Of Calif City/TDS (A)(P&R)	10-4153-287	Water	20,744.30	20,744.30	20,744.30		
	Wtr	11010967	x	x					
			x	x					
0	106797.01	City Of Calif City/TDS (B)(P&R)	10-4153-287	Water	8,172.23	8,172.23	8,172.23		
	Wtr	9311920	x	x					
			x	x					
0	106798.01	City Of Calif City/TDS C (P&R)	10-4153-287	Water	36,987.95	36,987.95	36,987.95		
	Wtr	9313796	x	x					
			x	x					
0	106799.01	City Of Calif City/TDS (D)(P&R)	10-4153-287	Water	6,275.15	6,275.15	6,275.15		
	Wtr	16490176	x	x					
			x	x					
0	106800.01	City Of Calif City/TDS Pro Shop (E)(P&R)	10-4153-287	Water	119.41	88.50	88.50		
	Wtr	9113145	10-4153-288	Sewer		30.91		30.91	
			x	x					
0	106801.01	City of Calif City/TDS Golf Course (F)	10-4153-287	Water	15,867.17	15,867.17	15,867.17		
	Wtr	9311918	x	x					
			x	x					
0	106802.01	City of Calif City/TDS Maint. (L)(P&R)	10-4161-287	Water	216.16	216.16	216.16		
	Wtr	93702561	x	x					
			x	x					
0	106804.01	City of Calif City/Par-3 Golf Course (P&R)	10-4153-287	Water	1,112.80	1,112.80	1,112.80		
	Wtr	97296489	x	x					
			x	x					
0	106805.01	City Of Calif City/Par-3 Irrig.(P&R)	10-4153-287	Water	1,072.23	1,072.23	1,072.23		
	Wtr	8184720	x	x					
			x	x					

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services								DR	DR	
Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	Water GL Acct	Sewer GL Acct		
0	106806.01	City Of Calif City/Par-3 (I)(P&R)	10-4153-287	Water	21,518.51	21,518.51	21,518.51			
	Wtr	9311915	x	x						
			x	x						
0	106807.01	City Of Calif City/Par-3 (J)(P&R)	10-4153-287	Water	88.50	88.50	88.50			
	Wtr	8040019	x	x						
			x	x						
0	106808.01	City Of Calif City/Par-3(P&R)	10-4153-287	Water	2,472.97	2,472.97	2,472.97			
	Wtr	9313795	x	x						
			x	x						
0	106809.01	City Of Calif City/City Hall-Lawn (A)	10-4153-287	Water	282.43	282.43	282.43			
	Wtr	6089270	x	x						
			x	x						
0	106810.01	City Of Calif City/Lawn (B)	10-4153-287	Water	1,162.62	1,162.62	1,162.62			
	Wtr	5601775	x	x						
			x	x						
0	106811.01	City Of Calif City/City Hall (C)	10-4153-287	Water	296.48	282.43	282.43			
	Wtr	12205469	10-4153-288	Sewer		14.05		14.05		
			x	x						
0	106812.01	City Of Calif City/Police Station	18-4212-287	Water	1,129.66	1,112.80	1,112.80			
	Wtr	9304962	18-4212-288	Sewer		16.86		16.86		
			x	x						
0	106813.01	City Of Calif City/Fire Station	19-4222-287	Water	321.77	282.43	282.43			
	Wtr	15812844	19-4222-288	Sewer		39.34		39.34		
			x	x						
0	106814.01	City Of Calif City/Airport Terminal (A)	53-5310-287	Water	329.43	197.36	197.36			
	Wtr	9082147	53-5310-288	Sewer		132.07		132.07		
			x	x						
0	106815.01	City Of Calif City/Airport (B)	53-5310-287	Water	88.50	88.50	88.50			
	Wtr	9113129	x	x						
			x	x						
0	106816.01	City Of Calif City/Airport - RV Park	53-5310-287	Water	105.36	88.50	88.50			
	Wtr	8969459	53-5310-288	Sewer		16.86		16.86		
			x	x						
0	106817.01	City Of Calif City/Airport/Hose Bib (C)	53-5310-287	Water	52.99	52.99	52.99			
	Wtr	7053219	x	x						
			x	x						
0	106818.01	City Of Calif City Old Museum/Par3(P&R)	10-4153-287	Water	88.50	88.50	88.50			
	Wtr	7246860	x	x						
			x	x						
0	106819.01	City Of Calif City/ Police Dept (AC)	18-4217-287	Water	899.46	508.87	508.87			
	Wtr	6091640	18-4217-288	Sewer		390.59		390.59		
			x	x						
0	106820.01	City Of Calif City/Sewer Plant	52-5213-287	Water	828.57	828.57	828.57			

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services							DR	DR	
Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	Water GL Acct	Sewer GL Acct	
	Wtr	91122081	x	x					
			x	x					
0	106821.01	City Of Calif City/City Yard	51-5115-287	Water	282.43	94.14	94.14		
	Wtr	7213086	10-4441-287	Water		94.14	94.14		
			27-4411-287	Water		94.14	94.14		
			x	x					
0	106822.01	Borax Bill Park-Showers-P.D.	16-4233-287	Water	282.43	282.43	282.43		
	Wtr	8184721	x	x					
			x	x					
0	106823.01	City Of Calif City/Cen Prk Restro(P&R)	10-4153-287	Water	338.63	282.43	282.43		
	Wtr	9258800	10-4153-288	Sewer		56.20		56.20	
			x	x					
0	106824.01	City Of Calif City/Marina-Strata(P&R)	10-4153-287	Water	296.48	282.43	282.43		
	Wtr	9112208	10-4153-288	Sewer		14.05		14.05	
			x	x					
0	106825.01	City Of Calif City/Comm Center(P&R)	10-4153-287	Water	282.43	282.43	282.43		
	Wtr	9253880	x	x					
			x	x					
0	106826.01	City Of Calif City/Cen Pk Lake(P&R)	10-4153-287	Water	2,472.97	2,472.97	2,472.97		
	Wtr	9070150	x	x					
			x	x					
0	106827.01	City Of Calif City/Senior Cent (P&R)	10-4153-287	Water	616.66	355.33	355.33		
	Wtr	9131647	10-4153-288	Sewer		261.33		261.33	
			x	x					
0	106828.01	City Of Calif City/Balsitis Park(P&R)	10-4153-287	Water	88.50	88.50	88.50		
	Wtr	5484144	x	x					
			x	x					
0	106829.01	City Of Calif City/Balsitis Pk Short(P&R)	10-4153-287	Water	2,481.72	2,481.72	2,481.72		
	Wtr	16490175	x	x					

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services									
Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	DR Water GL Acct	DR Sewer GL Acct	
			x	x					
0	106830.01	City Of Calif City/Balsitis Pk Restr(P&R	10-4153-287	Water	52.99	52.99	52.99		
	Wtr	8040020	x	x					
			x	x					
0	106831.01	City Of Calif City/Balsitis Park E(P&R)	10-4153-287	Water	383.71	383.71	383.71		
	Wtr	7145276	x	x					
			x	x					
0	106832.01	City Of Calif City/Aspen Mall	71-7111-287	Water	435.31	435.31	435.31		
	Wtr	96304228	x	x					
			x	x					
0	106838.01	City Of Calif City/Median (A)	10-4161-287	Water	52.99	52.99	52.99		
	Wtr	11639888	x	x					
			x	x					
0	106839.01	City Of Calif City/Median Center (B)	10-4161-287	Water	88.50	88.50	88.50		
	Wtr	359134	x	x					
			x	x					
0	106842.01	City Of Calif City/Median Rome Beauty/	10-4161-287	Water	52.99	52.99	52.99		
	Wtr	7247418	x	x					
			x	x					
0	106843.01	City Of Calif City/Lakeshore/Randsgurg	10-4161-287	Water	88.50	88.50	88.50		
	Wtr	8969455	x	x					
			x	x					
0	106844.01	City Of Calif City/Median CCB	10-4161-287	Water	88.50	88.50	88.50		
	Wtr	7247390	x	x					
			x	x					
0	106845.01	City Of Calif City/ Median CCB-90th	10-4161-287	Water	88.50	88.50	88.50		
	Wtr	8971971	x	x					
			x	x					
0	106847.01	City Of Calif City/Irrigation	10-4161-287	Water	88.50	88.50	88.50		
	Wtr	7246836	x	x					
			x	x					
0	106848.01	City Of Calif City/Sport (A)(P&R)	10-4153-287	Water	142.78	142.78	142.78		
	Wtr	6074816	x	x					
			x	x					
0	106849.01	City Of Calif City/Entra Sport (A)(P&R)	10-4153-287	Water	88.50	88.50	88.50		
	Wtr	6074815	x	x					
			x	x					
0	106861.01	City Of California City/Pocket Park(P&R)	10-4153-287	Water	55.80	52.99	52.99		
	Wtr	6305274	10-4153-288	Sewer		2.81		2.81	

[illegible]

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services							DR	DR
Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	Water GL Acct	Sewer GL Acct
0	10282601	Housing Corporation/39 Desert Jade	74-4632-287	Water	1,161.31	342.43	342.43	
		9131646	74-4632-288	Sewer		818.88		818.88
0	10282702	Housing Corporation/39 Desert Jade B	74-4632-287	Water	1,109.92	291.04	291.04	
		9124384	74-4632-288	Sewer		818.88		818.88
0	10320701	Housing Corporation/8800 Fuchsia	74-4632-287	Water	2,362.84	315.64	315.64	
		15812845	74-4632-288	Sewer		2,047.20		2,047.20
0	10321101	Housing Corporation/21341 89th	74-4632-287	Water	796.76	182.60	182.60	
		05219101	74-4632-288	Sewer		614.16		614.16
0	106793.01	City Of Calif City/Borax Bill Pk Bathrms	16-4232-287	Water	282.43	282.43	282.43	
	Wtr	18819303	x	x				
			x	x				
0	106796.01	City Of Calif City/TDS (A)(P&R)	10-4153-287	Water	20,744.30	20,744.30	20,744.30	
	Wtr	11010967	x	x				
			x	x				
0	106797.01	City Of Calif City/TDS (B)(P&R)	10-4153-287	Water	8,172.23	8,172.23	8,172.23	
	Wtr	9311920	x	x				
			x	x				
0	106798.01	City Of Calif City/TDS C (P&R)	10-4153-287	Water	36,987.95	36,987.95	36,987.95	
	Wtr	9313796	x	x				
			x	x				
0	106799.01	City Of Calif City/TDS (D)(P&R)	10-4153-287	Water	6,275.15	6,275.15	6,275.15	
	Wtr	16490176	x	x				
			x	x				
0	106800.01	City Of Calif City/TDS Pro Shop (E)(P&R)	10-4153-287	Water	119.41	88.50	88.50	
	Wtr	9113145	10-4153-288	Sewer		30.91		30.91
			x	x				
0	106801.01	City of Calif City/TDS Golf Course (F)	10-4153-287	Water	15,867.17	15,867.17	15,867.17	
	Wtr	9311918	x	x				
			x	x				
0	106802.01	City of Calif City/TDS Maint. (L)(P&R)	10-4161-287	Water	216.16	216.16	216.16	
	Wtr	93702561	x	x				
			x	x				
0	106804.01	City of Calif City/Par-3 Golf Course (P&R)	10-4153-287	Water	1,112.80	1,112.80	1,112.80	
	Wtr	97296489	x	x				
			x	x				
0	106805.01	City Of Calif City/Par-3 Irrig.(P&R)	10-4153-287	Water	1,072.23	1,072.23	1,072.23	

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services

Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	DR Water GL Acct	DR Sewer GL Acct
	Wtr	8184720	x	x				
			x	x				
0	106806.01	City Of Calif City/Par-3 (I)(P&R)	10-4153-287	Water	21,518.51	21,518.51	21,518.51	
	Wtr	9311915	x	x				
			x	x				
0	106807.01	City Of Calif City/Par-3 (J)(P&R)	10-4153-287	Water	88.50	88.50	88.50	
	Wtr	8040019	x	x				
			x	x				
0	106808.01	City Of Calif City/Par-3(P&R)	10-4153-287	Water	2,472.97	2,472.97	2,472.97	
	Wtr	9313795	x	x				
			x	x				
0	106809.01	City Of Calif City/City Hall-Lawn (A)	10-4153-287	Water	282.43	282.43	282.43	
	Wtr	6089270	x	x				
			x	x				
0	106810.01	City Of Calif City/Lawn (B)	10-4153-287	Water	1,162.62	1,162.62	1,162.62	
	Wtr	5601775	x	x				
			x	x				
0	106811.01	City Of Calif City/City Hall (C)	10-4153-287	Water	296.48	282.43	282.43	
	Wtr	12205469	10-4153-288	Sewer		14.05		14.05
			x	x				
0	106812.01	City OF Calif City/Police Station	18-4212-287	Water	1,129.66	1,112.80	1,112.80	
	Wtr	9304962	18-4212-288	Sewer		16.86		16.86
			x	x				
0	106813.01	City OF Calif City/Fire Station	19-4222-287	Water	321.77	282.43	282.43	
	Wtr	15812844	19-4222-288	Sewer		39.34		39.34
			x	x				
0	106814.01	City Of Calif City/Airport Terminal (A)	53-5310-287	Water	329.43	197.36	197.36	
	Wtr	9082147	53-5310-288	Sewer		132.07		132.07
			x	x				
0	106815.01	City Of Calif City/Airport (B)	53-5310-287	Water	88.50	88.50	88.50	
	Wtr	9113129	x	x				
			x	x				
0	106816.01	City Of Calif City/Airport - RV Park	53-5310-287	Water	105.36	88.50	88.50	
	Wtr	8969459	53-5310-288	Sewer		16.86		16.86
			x	x				
0	106817.01	City Of Calif City/Airport/Hose Bib (C)	53-5310-287	Water	52.99	52.99	52.99	
	Wtr	7053219	x	x				
			x	x				
0	106818.01	City Of Calif City Old Museum/Par3(P&R)	10-4153-287	Water	88.50	88.50	88.50	
	Wtr	7246860	x	x				

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services							DR	DR
Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	Water GL Acct	Sewer GL Acct
			x	x				
0	106819.01	City Of Calif City/ Police Dept (AC)	18-4217-287	Water	899.46	508.87	508.87	
	Wtr	6091640	18-4217-288	Sewer		390.59		390.59
			x	x				
0	106820.01	City Of Calif City/Sewer Plant	52-5213-287	Water	828.57	828.57	828.57	
	Wtr	91122081	x	x				
			x	x				
0	106821.01	City OF Calif City/City Yard	51-5115-287	Water	282.43	94.14	94.14	
	Wtr	7213086	10-4441-287	Water		94.14	94.14	
			27-4411-287	Water		94.14	94.14	
			x	x				
0	106822.01	Borax Bill Park-Showers-P.D.	16-4233-287	Water	282.43	282.43	282.43	
	Wtr	8184721	x	x				
			x	x				
0	106823.01	City Of Calif City/Cen Prk Restro(P&R)	10-4153-287	Water	338.63	282.43	282.43	
	Wtr	9258800	10-4153-288	Sewer		56.20		56.20
			x	x				
0	106824.01	City Of Calif City/Marina-Strata(P&R)	10-4153-287	Water	296.48	282.43	282.43	
	Wtr	9112208	10-4153-288	Sewer		14.05		14.05
			x	x				
0	106825.01	City Of Calif City/Comm Center(P&R)	10-4153-287	Water	282.43	282.43	282.43	
	Wtr	9253880	x	x				
			x	x				
0	106826.01	City Of Calif City/Cen Pk Lake(P&R)	10-4153-287	Water	2,472.97	2,472.97	2,472.97	
	Wtr	9070150	x	x				
			x	x				
0	106827.01	City Of Calif City/Senior Cent (P&R)	10-4153-287	Water	616.66	355.33	355.33	
	Wtr	9131647	10-4153-288	Sewer		261.33		261.33
			x	x				
0	106828.01	City Of Calif City/Balsitis Park(P&R)	10-4153-287	Water	88.50	88.50	88.50	
	Wtr	5484144	x	x				
			x	x				
0	106829.01	City Of Calif City/Balsitis Pk Short(P&R)	10-4153-287	Water	2,481.72	2,481.72	2,481.72	
	Wtr	16490175	x	x				

Water and Sewer City Accounts - June 13, 2018 Bills for May Water and Sewer Services							DR	DR
Route #	Customer ID	Customer/Meter ID	GL Account No.	Description	Total Bill	Bal Due	Water GL Acct	Sewer GL Acct
0	106830.01	City Of Calif City/Balsitis Pk Restr(P&R)	x 10-4153-287	x Water	52.99	52.99	52.99	
	Wtr	8040020	x	x				
			x	x				
0	106831.01	City Of Calif City/Balsitis Park E(P&R)	x 10-4153-287	x Water	383.71	383.71	383.71	
	Wtr	7145276	x	x				
			x	x				
0	106832.01	City Of Calif City/Aspen Mall	x 71-7111-287	x Water	435.31	435.31	435.31	
	Wtr	96304228	x	x				
			x	x				
0	106838.01	City Of Calif City/Median (A)	x 10-4161-287	x Water	52.99	52.99	52.99	
	Wtr	11639888	x	x				
			x	x				
0	106839.01	City Of Calif City/Median Center (B)	x 10-4161-287	x Water	88.50	88.50	88.50	
	Wtr	359134	x	x				
			x	x				
0	106842.01	City Of Calif City/Median Rome Beauty/	x 10-4161-287	x Water	52.99	52.99	52.99	
	Wtr	7247418	x	x				
			x	x				
0	106843.01	City Of Calif City/Lakeshore/Randsgurg	x 10-4161-287	x Water	88.50	88.50	88.50	
	Wtr	8969455	x	x				
			x	x				
0	106844.01	City Of Calif City/Median CCB	x 10-4161-287	x Water	88.50	88.50	88.50	
	Wtr	7247390	x	x				
			x	x				
0	106845.01	City Of Calif City/ Median CCB-90th	x 10-4161-287	x Water	88.50	88.50	88.50	
	Wtr	8971971	x	x				
			x	x				
0	106847.01	City Of Calif City/Irrigation	x 10-4161-287	x Water	88.50	88.50	88.50	
	Wtr	7246836	x	x				
			x	x				
0	106848.01	City Of Calif City/Sport (A)(P&R)	x 10-4153-287	x Water	142.78	142.78	142.78	
	Wtr	6074816	x	x				
			x	x				
0	106849.01	City Of Calif City/Entra Sport (A)(P&R)	x 10-4153-287	x Water	88.50	88.50	88.50	
	Wtr	6074815	x	x				
			x	x				
0	106861.01	City Of California City/Pocket Park(P&R)	x 10-4153-287	x Water	55.80	52.99	52.99	
	Wtr	6305274	10-4153-288	Sewer		2.81		2.81

[illegible]

**CITY OF CALIFORNIA CITY
CITY COUNCIL
Tuesday, February 26, 2018
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

CALL TO ORDER

Mayor Wood called the closed session meeting to order at 5:30 pm. Deputy City Clerk Sprague called the roll:

PRESENT: McGuire, Parris, Stump, Mayor Wood

ABSENT: Mayor Pro Tem Gomez,

ADOPTION OF AGENDA

Motion by McGuire, second by Stump to adopt the agenda. Motion carried.

CLOSED SESSION

Pursuant to Cal. Gov't Code §54956.9(d)(1): CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION. City of California City v. Bob Dacey Golf, Kern County Superior Court No. BCV-17-100250.

CLOSED SESSION ACTION

City Attorney Bettenhausen reported that the item was discussed, and staff was given direction.

CALL TO ORDER

Mayor Wood called the regular meeting to order at 6:00 pm. Deputy City Clerk Sprague called the roll:

PRESENT: McGuire, Parris, Stump, Mayor Wood

ABSENT: Mayor Pro Tem Gomez

PRESENTATIONS

- Kern Council of Governments (KernCog) – 2018 Regional Transportation Plan (RTP) Kern COG Director of Planning, Rob Ball, will provide information to the City Council of California City regarding development of the 2018 Regional Transportation Plan/Sustainable Communities Strategy, Key Land Use and Planning Assumptions and Public Outreach.
- Jones & Mayer
- Fire Chief, Justin Vincent - Awards
- City Treasurer Middleton – August Report

CONSENT CALENDAR

CC 1. Approve City check registers dated through 09/21/17.

CC 2. Approve minutes: Regular Meeting of 08/22/17, Special Meetings 08/25/17, 09/05/17, and 09/11/17.

CC 3. Adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPTING THE 2016 CALIFORNIA FIRE CODE, CALIFORNIA CODE OF REGULATIONS TITEL 24 PART 9; AND AUTHORIZE THE FIRE CHIEF OR DESIGNEE TO CONDUCT FIRE INSPECTIONS OF ALL**

**COMMERCIAL OCCUPANCIES IN CALIFORNIA CITY TO ENFORCE THIS CODE".
REMOVED**

- CC 4.** Approve Notice of Completion and Notice of Acceptance – Heather Ave. Sidewalk Infill from Bancroft Ct. to Senior Center – TDA Article 3 – FY 16-17.
- CC 5.** Approve Budget Transfer Request – Police Department – Animal Control, move \$2,799.62 from Retained Earnings: 18-03110 into Expense Account: 18-4217-652.

Consensus of the council to remove CC 3, until the next meeting, and to vote on CC 5 separately. Also pull check # 100931, which is associated with CC 5, and vote on it along with the item.

Motion by Stump, second by McGuire to approve Consent Items 1,2 and 4. Roll call vote as follows:

AYES: Parris, Stump, Wood
NAYS: None
ABSTAIN: None
ABSENT: Gomez

Motion by McGuire, second by Stump to approve Consent Item 5, including ck #100931. Roll Call Vote as follows:

AYES: Parris, Stump, Wood
NAYS: None
ABSTAIN: None
ABSENT: Gomez

CONTINUED BUSINESS

CB 1. Round 3 Expansion of Permits in the Cultivation and Distribution Categories
City Manager Weil provided the staff report.

City Attorney Bettenhausen drafted a resolution during the discussion of this item.

Motion by Stump, second by McGuire to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE ISSUANCE OF ADDITIONAL MEDICAL MARIJUANA BUSINESS PERMITS PURSUANT TO CCMC 5-6.401." Roll call vote as follows:

AYES: McGuire, Parris, Stump, Wood
NAYS: None
ABSTAIN: None
ABSENT: Gomez

CB 2. Memorandum of Agreement (MOA) with Edwards Air Force Base (EAFB) to provide Animal Control Services
Police Chief Hurtado provided the staff report.

Motion by Stump, second by McGuire, to approve the MOA as presented. Roll call vote as follows:

AYES: McGuire, Parris, Stump

NAYS: Wood

ABSTAIN: None

ABSENT: Gomez

NEW BUSINESS

NB 1. Purchase of a Professional Thermal Imaging Device with Lens and Bag

Police Sgt. Blanton provided the staff report.

Motion by McGuire, second by Parris, to approve the purchase of the thermal imaging device from Chief Supply in the amount of 9,384.98. Roll call vote as follows:

AYES: McGuire, Parris, Stump, Wood

NAYS: None

ABSTAIN: None

ABSENT: Gomez

NB 2. Purchase of a Professional Drone and Related Accessories

Police Sgt. Blanton provided the staff report.

Motion by Stump, second by McGuire to approve the purchase of the drone package from DSLR in the amount of \$8,824.77. Roll call vote as follows:

AYES: Parris, Stump, Gomez, Wood (with training)

NAYS: None

ABSTAIN: None

ABSENT: Gomez

NB 3. SCE LED Light Fixture Replacement Agreement

City Manager Weil provided the staff report.

Motion by McGuire, second by Stump, to approve the SCE Schedule LS-1 Option E, Energy Efficiency-light Emitting Diode (LED) Fixture Rate Agreement as presented and authorize the City Manager to sign. Roll call vote as follow:

AYES: McGuire, Parris, Stump, Wood

NAYS: None

ABSTAIN: None

ABSENT: Gomez

NB 4. ADA Compliant Bathroom, City Hall

Building Official, Joe Barragan provided the staff report.

Motion by Stump, second by Parris, to approve the purchase of the materials to convert the janitors closet at City Hall into an ADA bathroom, materials not to exceed \$6,417.84. Roll call vote as follows:

AYES: McGuire, Parris, Stump, Wood

NAYS: None

ABSTAIN: None

ABSENT: Gomez

ADJOURNMENT

Motion by McGuire, second by Stump to adjourn at 10:25 pm. Motion Carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

APPROVED BY CITY COUNCIL ON _____

**SPECIAL MEETING
CITY OF CALIFORNIA CITY
CITY COUNCIL
Wednesday, March 21, 2018
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

MEETING CANCELLED DUE TO LACK OF QUOROM

Respectfully submitted by,

Denise Hilliker, City Clerk

APPROVED BY CITY COUNCIL ON _____

**CITY OF CALIFORNIA CITY
CITY COUNCIL
Tuesday, March 27, 2018
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

CALL TO ORDER

Mayor Wood called the closed session meeting to order at 6:00 pm. Deputy City Clerk Sprague called the roll:

PRESENT: McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

ABSENT: None

Prior to adoption of the agenda, Mayor Wood advised that NB 2. will not be discussed, Item pulled.

ADOPTION OF AGENDA

Motion by McGuire, second by Stump to remove NB 2. "Maintenance Worker II new position for Housing" and adopt the agenda. Motion carried.

LATE COMMUNICATIONS

J.M. Powers, dated March 17, 2018. California City's Parcel Tax Among Most Expensive Parcel Tax in the State.

J.M. Powers, dated March 18, 2018. No Parcel Tax is Charged or Paid on Residential Property Assessed at over \$465,000

J.M. Powers, dated March 19, 2018. More than \$14.5 Million in Budget Estimation Errors at the 8th Month Point of Budget Year

J.M. Powers, dated March 20, 2018. City Failed to Pay its Municipal Water & Sewer Bill in February 2018.

CONSENT CALENDAR

CC 1. Approve City Check Registers dated through 03/22/18

CC 2. Adopt **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CITY MANAGERS SALARY SACHEDULE"**

CC 3. Staffing Document – Period Ending March 20, 2018

Motion by McGuire, second by Stump to approve the Consent Calendar. Roll Call Vote as follows:

AYES: McGuire, Parris, Stump, Gomez, Wood

NAYS: None

ABSTAIN: None

ABSENT: None

Prior to discussing Public Hearing (PH 1.), Mayor Pro Tem Gomez, recused himself due to potential conflict.

PUBLIC HEARING

PH 1. Initial Study & Negative Declaration for Zone Change (ZC -189) General Plan Amendment (GPA-189)

PUBLIC HEARING PROCEDURE

- A. Mayor read the item
- B. Mayor Wood declared the Public Hearing Open at 6:59pm.
- C. Public Works Director, Platt, provided the staff report
- D. Council questions only
- E. Deputy City Clerk, Sprague advised that there were no communications received.
- F. Public Testimony
- G. Motion by McGuire, second by Parris to close the Public Hearing. Motion carried.

H. Council discussion

Council and Public questions/concerns were addressed during the meeting. Consensus of the Council to ensure that a complete environmental study be performed prior to any project implementation. Staff was tasked to add the following verbiage to the Resolution; "With a subsequent Environmental Impact Report (EIR) at the time project is proposed"

I. Council motion and vote

Motion by Stump, second by McGuire to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPTING ZONE CHANGE NO. 189 & GENERAL PLAN AMENDMENT 189 TO REZONE 40 ACRES OF LAND LOCATED AT OR IN THE VICINITY OF THE NORTHEAST CORNER OF NEURALIA RD. AND LINDBERGH BLVD. FROM OPEN SPACE/RESIDENTIAL (O/RA) TO LIGHT INDUSTRIAL (M1), WITH A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR) AT THE TIME PROJECT IS PROPOSED". Roll call vote as follows:

AYES: McGuire, Stump, Wood

NAYS: Parris

ABSTAIN: Gomez

ABSENT: None

Mayor Pro Tem Gomez returned to the dais.

PUBLIC HEARING

PH 2. Tentative Parcel Map 12216

PUBLIC HEARING PROCEDURE

- A. Mayor read the item
- B. Mayor Wood declared the Public Hearing Open at 8:17pm.
- C. Public Works Director, Platt, provided the staff report
- D. No Council Questions
- E. Deputy City Clerk, Sprague advised that there were no communications received.
- F. No Public Testimony
- G. Motion by McGuire, second by Gomez to close the Public Hearing. Motion carried.
- H. No Council discussion
- I. Council motion and vote

Recommendation

Motion by McGuire, second by Gomez to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING THE FINAL MAP NO. 12216,

AUTHORIZING THE CITY CLERK TO ENDORSE ENGINEER TO TRANSMIT SAME TO THE COUNTY CLERK'S OFFICE". Roll call vote as follows:

AYES: McGuire, Parris, Stump, Gomez, Wood

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS

NB 1. 2017/2018 OHMVR Division Grants Application

Police Chief Hurtado read the staff report.

Public Testimony received in favor of the OHV Grant Application.

Motion by Parris, second by Stump to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING THE OHMVR DIVISION 2017/2018 GRANT YEAR APPLICATIONS FOR THE CALIFORNIA CITY OHV PROGRAM" Roll call vote as follows:

AYES: McGuire, Parris, Stump, Gomez

NAYS: Wood

ABSTAIN: None

ABSENT: None

NB 2. Maintenance Worker II new position for Housing – Public Works Director Platt **ITEM PULLED**

COUNCIL AGENDA

Councilmember Parris requested that a review of Ordinances and related documents, updates relating to Cannabis, be placed on the next meeting agenda.

Councilmember McGuire requested a Resolution for a "Sanctuary City", be placed on the next agenda.

ADJOURNMENT

Motion by McGuire, second by Stump to adjourn at 10:01 pm. Motion Carried.

Respectfully submitted by,

Jan Sprague, Deputy City Clerk

APPROVED BY CITY COUNCIL ON _____

RESOLUTION NO. 07-18-2746

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF CALIFORNIA CITY, CALIFORNIA, CALLING AN
ELECTION FOR THE OFFICES OF MAYOR, TWO CITY
COUNCIL MEMBERS AND TREASURER; REQUESTING
THE BOARD OF SUPERVISORS OF THE COUNTY OF
KERN TO CONSOLIDATE A GENERAL MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6,
2018, WITH THE STATEWIDE GENERAL ELECTION TO
BE HELD ON THE DATE PURSUANT TO SECTION 10403
OF THE ELECTIONS CODE**

WHEREAS, the City Council of the City of California City desires to call a General Municipal Election to be held on November 6, 2018, for the purpose of the election of a Mayor to a two-year term, two Members of the City Council each to a four-year term; and a Treasurer to a four-year term, and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Kern canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Kern is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of the election of a Mayor to a two-year term, a Treasurer to a four-year term and two Members of the City Council each to a four-year term.

SECTION 2. That the Kern County Registrar of Voters Office is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the County Election Department, Kern County Registrar of Voters Office, to take any and all steps necessary for the holding of the consolidated election.

CC 3.

SECTION 4. That the City of California City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Kern County Board of Supervisors and the Kern County Registrar of Voters.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 24th day of July 2018, by the following vote:

AYES:
NOES:
ABSENT:

JENNIFER WOOD
MAYOR

ATTEST:

DENISE HILLIKER
CITY CLERK

APPROVED AS TO FORM:

BARRON BETTENHAUSEN
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.
CITY OF CALIFORNIA CITY)

I, Denise Hilliker, hereby certify that I am the duly appointed City Clerk of the City of California, California; and that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of California, California, held on the 24th day of July 2018.

DENISE HILLIKER
CITY CLERK

CITY COUNCIL

July 24, 2018

TO: Mayor and City Council

FROM: Brenda Daverin, Park Manager

SUBJECT: Approval of Cooling Center Contract

BACKGROUND

For the health, safety, and comfort of our residents, the Kern County Parks Division, in cooperation with the Department of Aging and Adult Services, other Kern County agencies and/or districts, and PG&E, will open Cooling Centers throughout Kern County when the temperatures are **forecast by the National Weather Service (NWS)** to exceed certain highs. Cooling Centers open in the San Joaquin and Kern River Valleys when the temperatures are **forecast** to be **105** degrees or higher, in the desert areas when the temperatures are **forecast** to be **108** degrees or higher, and in Frazier Park when temperatures are **forecast** to be **95** degrees or higher. The centers are open from 1:00 pm to 8:00 pm.

The Cooling Centers Daily Report will be issued by 11:00 am on the day before the Centers open. Weekend Cooling Center openings will be released by 11:00 am on Friday.

Residents using the Cooling Centers are encouraged to bring their favorite non-alcoholic beverages, snacks, reading materials, games, etc. to better enjoy the Centers.

For media relations questions, please contact the Department of Aging and Adult Services at (661) 868-1000. California City in conjunction with Center for Adult Aging yearly use a four year contract to receive payment for additional hours of service that the center is open such as Sundays when we are normally closed.

RECOMMENDATION

Staff recommends that the council approve the four-year contract which can be canceled at any time.

It is necessary to consider and approve the new contract as we are in the summer season.

FISCAL IMPACT

No additional cost to the city. All supplies including snacks and H2O bottles have been provided by the Department of Aging and Adult Services, all additional employee's hours will be reimbursed to the city. #10-4561-120

KERN COUNTY
PERSONAL/PROFESSIONAL SERVICES AGREEMENT
SCHEDULE TO MASTER TERMS AND CONDITIONS
PPSA-STANDARD
COOLING CENTER PROGRAM- COOLING CENTER OPERATION

- I. This SCHEDULE ("Schedule") shall be effective on 2018 ("Effective Date") and shall terminate no later than October 31, 2022 ("Termination Date").

Kern County Department: Aging and Adult Services ("Responsible County Department")

Located at: 5357 Truxtun Avenue, Bakersfield CA 93309.

Service Provider: City of California City ("Consultant")

Located at: 21000 Hacienda Blvd., California City, CA 93505

Consultant is (select one):
☐ Sole Proprietorship
☐ Incorporated in the State of _____
☒ Other (specify) Incorporated in the County of Kern.

- II. Consultant shall provide the services and products described in Exhibit A ("Services"). This excludes travel and other expenses described in Section III. County shall compensate Consultant for those services and products in an amount not to exceed: \$ See Attached.

- III. Travel and all other expenses. Select one of the following:

☒ County shall not reimburse Consultant for any travel or other expenses incurred by Consultant.
☐ County shall reimburse Consultant for all travel and/or other necessary and reasonable actual expenses incurred on behalf of County. If the reimbursable expenses include travel, the travel expenses must be reasonable and necessary, approved in advance in writing by the Responsible County Department, and shall not exceed the following County per diems: lodging, \$221.00 per night including taxes; breakfast, \$13.00; lunch, \$15.00; dinner, \$26.00; economy rental car and mileage, if by private automobile, at \$.54 per mile; if by common carrier, at actual fare charged for economy or coach class. County shall reimburse Consultant in an amount not to exceed: \$ _____.

- IV. Total Amount Payable Under Agreement (Compensation for Services/Products, Plus Travel and Other Expenses)
County shall compensate Consultant for the Services and Products (amount stated in Section II) and reimburse Consultant for expenses, including travel, if applicable (amount stated in Section III). The total amount payable under this agreement shall not exceed: \$ See Attached (Section II + Section III).

- V. Consultant shall be required to have the following insurance coverages which are marked, on the terms provided in the Master Terms and Conditions. The insurance coverages shall be in the amounts specified, unless another amount is shown (select all that apply):

☐ Workers' Compensation: As required by California Labor Code Section 3700
☐ Commercial General Liability (\$1,000,000/Occurrence; \$2,000,000/Aggregate) or other amounts: \$ _____
☐ Automobile Liability (\$1,000,000/Occurrence) or other amount: \$ _____
☐ Professional Liability (\$1,000,000/Claim; \$2,000,000/Aggregate) or other amounts: \$ _____
☒ Contractor and Vendor agree that self-insurance as authorized by Government Code section 990, or other similar law, may be used in lieu of insurance for purposes of this agreement

Note: If a lesser amount is shown, the Responsible County Department must obtain the prior written approval of the County Risk Manager.

If there are any conflicts between the terms and conditions contained in this Schedule and the Master Terms and Conditions, this Schedule shall control.

The Parties have executed this Schedule, including the Master Terms and Conditions, which constitute the Agreement, on the Effective Date.

COUNTY OF KERN

APPROVED AS TO CONTENT:
Responsible County Department

By Carol J. Cox, C.P.M., Purchasing Manager

By Lito Morillo, Director

"County"

APPROVED AS TO FORM:
Office of the County Counsel

CITY OF CALIFORNIA CITY

By Bryan Walters, Deputy

By _____

Name & Title
"Consultant"

**EXHIBIT A
SERVICES**

Consultant shall provide the Services shown below for the Responsible County Department based on the following payment schedule:
(select one of the following options)

- ☐ Consultant shall submit one invoice to County upon contract completion and acceptance of the Services by County.
- ☐ Consultant shall invoice monthly for hours expended over the prior 30 days; County to retain 20% of all invoiced amounts until final acceptance of the Services by County.
- ☐ Consultant shall invoice County upon the successful completion of milestones:
(insert percentages next to applicable milestones)
- ☐ % Upon completed installation of _____.
- ☐ % Upon completed installation of _____.
- ☐ % Upon completion of training _____.
- ☐ % Other Milestone (describe) _____.
- ☐ % Other Milestone (describe) _____.
- ☐ % Upon contract completion and acceptance of the Services by County.
- ☒ Consultant shall invoice County as follows: (describe in detail any payment schedule, milestone payments, percentages and retention as applicable)

County may compensate Consultant as follows:

- a. The cost of one staff member or other authorized individual designated by Consultant to operate the Cooling Center, where the facility would not have otherwise been operated or additional staffing would not have been required. Reimbursement to be provided at the rate of \$13.08 per hour, or the current State of California minimum wage, if higher than \$13.08.
- b. The cost of increased utilities incurred during the operation of the Cooling Center hours, where the facility would not have otherwise been operated.

Note: Reimbursement may not be provided for wages or utilities that would normally have been paid or incurred by Consultant during the normal course of business.

Consultant shall invoice County as follows:

Consultant shall submit one invoice for expenses incurred through June 30th. A separate invoice shall be submitted for expenses incurred between July 1 and the end of the Cooling Center Season (typically the last day of Summer). Invoice(s) shall be due to the County no later than the 15th of the month following the termination of the Cooling Center Season.

If requested, County may agree to provide reimbursement on a monthly basis, in which case invoice(s) shall be due to County no later than the 15th of the month subsequent to services provided.

In either case, each invoice(s) shall list:

- a. The amount due to Consultant for one staff member/authorized individual to operate the Cooling Center, including:
 1. The date(s) services were provided.
 2. The total number of hours the responsible staff member/authorized individual operated the Cooling Center.
 3. The name of the staff member or authorized individual who provided the services.
- b. The amount due to Consultant for increased utility costs incurred during the operation of the Cooling Center (To determine the utility expenses incurred, the total monthly utility bill should be prorated by the total number of days in the billing cycle, to determine the average daily cost. The average daily cost should then be multiplied by the number of days the Cooling Center was operated within the billing cycle).

1. Full description of the Services:

Consultant wishes to be a participant in the Kern County Cooling Center Program, and agrees to the following, at a minimum:

- a. That your Cooling Center may be listed through the PG&E and/or County automated phone line and/or Web Site.
- b. That your Cooling Center is accessible to customers with disabilities.
- c. To distribute or make available PG&E or other Utility financial assistance and other informational brochures that are provided.
- d. To provide complimentary water to those visiting the Cooling Center, if not provided by Aging and Adult Services.

- e. To complete a daily sign-in sheet for those who visit the Cooling Center.
- f. To provide completed sign-in sheets to Aging and Adult Services for tracking and reporting requirements.
- g. To abide by the established "trigger" and operational Cooling Center guidelines.
- h. To provide any other information that shall be required for reporting purposes.
- i. To provide a staff member or other authorized individual to open and operate the Cooling Center during the required days and hours of operation (including weekends and holidays if necessary).

2. Dates and location where the Services will take place (include time schedule and/or milestone dates if appropriate):

Services shall take place from 1 p.m. to 8 p.m. on any day (including weekends/holidays) whenever a "Trigger Event" is activated and the National Weather Service forecast predicts the temperature for the following day to be 105° or higher.

Services will be provided at a location as agreed upon between the parties.

3. If training is involved, the hours per day that are included in the training and minimum/maximum number of staff/trainees allowed to attend the training:

Not Applicable

4. Materials, equipment, facilities, manuals, study guides, etc., will be provided as indicated to assist Consultant in provision of the Services:

By Responsible County Department:

Aging and Adult Services will provide:

- a. Bottled drinking water and light snacks, funding permitting.
- b. Utility Information and other informational brochures as is made available.

By Consultant:

Consultant will make the premises listed in item number 2 above available as a Cooling Center, as described under items 1 and 2 above.

KERN COUNTY
PERSONAL/PROFESSIONAL SERVICES AGREEMENT
MASTER TERMS AND CONDITIONS
PPSA-STANDARD

THIS AGREEMENT ("Agreement") is entered into effective on the Effective Date shown on the attached Schedule, by and between the COUNTY OF KERN, a political subdivision of the State of California, as represented by the Purchasing Agent ("County"), with its principal location at 1115 Truxtun Avenue, 3rd Floor, Bakersfield, CA 93301, and CONSULTANT identified on the Schedule ("Consultant"). County and Consultant are individually referred to as a "Party" and collectively as the "Parties."

RECITALS

- A. Government Code Sections 31000 and 53060 permit the County Board of Supervisors to contract for the furnishing of special services with individuals specially trained and experienced and competent to perform those services.
- B. The County Department identified on the Schedule as the Responsible County Department requires those services which are specified in Exhibit A.
- C. County desires to engage Consultant to provide the services and Consultant, by reason of its qualifications, experience, and facilities for doing this type of work, has offered to provide the required services on the terms set forth in this Agreement.
- D. The Purchasing Agent has been authorized by the Board of Supervisors to contract for personal/professional services in an amount not to exceed \$100,000 per contract.

AGREEMENT

1. **Services to be Rendered.** Consultant shall provide the services and products described in Exhibit A ("Services").
2. **Compensation to Consultant.** County shall compensate Consultant in accordance with the compensation selection(s) shown on the Schedule. No additional compensation shall be paid for secretarial, clerical support staff, overhead or any other costs incurred by Consultant by providing the Services to County.
3. **Reimbursement Policy and Billing Requirements.** All invoices for payment shall be submitted in a form approved by County based upon the payment schedule selected on Exhibit A, shall contain an itemization of all costs and fees broken down monthly (including an itemization of all travel expenses incurred if applicable) and shall be stated as a cumulative total. Invoices shall be sent for review and processing to the Responsible County Department. Consultant shall also provide an informational copy to the Purchasing Agent. Payment shall be made to Consultant within 30 days of receipt and approval of the invoice by the Responsible County Department.
4. **Term.** This term of this Agreement ("Term") shall start on the Effective Date and shall terminate on the Termination Date, unless sooner terminated as provided in this Agreement.
5. **Assignment.** Consultant shall not assign, transfer, or encumber this Agreement, or any part, and Consultant shall not assign any monies due or which become due to Consultant under this Agreement, without the prior written consent of the Purchasing Agent.
6. **Audit, Inspection and Retention of Records.** Consultant shall maintain and make available to County accurate books and records relative to the Services under this Agreement. Consultant shall permit County to audit, examine, and make excerpts and transcripts from its records and to conduct audits of all invoices, materials, records of personnel, or other data related to the Services under this Agreement. Consultant shall maintain its data and records in an accessible location and condition for a period of not less than three years from the date of final payment under this Agreement, or until after the conclusion of any audit, whichever occurs last. The State of California and/or any federal agency having an interest in the subject of this Agreement shall have the same rights as County.
7. **Authority to Bind County.** It is understood that Consultant, in Consultant's performance of any Services under this Agreement, except as otherwise provided in this Agreement, has no authority to bind County to any agreements or undertakings.

8. **Indemnification.**

a. **General.** Consultant shall defend, indemnify, and hold harmless County and County's board members, elected and appointed officials, officers, employees, agents, volunteers and authorized representatives ("County Indemnified Parties") from any losses, liabilities, charges, damages, claims, liens, causes of action, awards, judgments and costs, including attorneys' fees of County Counsel and outside counsel retained by County, expert fees, costs of staff time, and investigation costs ("Claims") which arise out of or relate to any act or omission of Consultant or Consultant's officers, employees, agents and subcontractors of any tier hired by Consultant to perform the Services ("Consultant Representatives"). This indemnification obligation shall include bodily and personal injury or death to any person; damage to any property, regardless of where located, including the property of County; and any workers' compensation Claim arising from or relating to the Services. Consultant shall defend any Claim with counsel of Consultant's choice, subject to County's written approval, and at Consultant's sole cost.

b. **Immigration Reform and Control Act.** Consultant acknowledges that Consultant and Consultant Representatives are aware of and understand the Immigration Reform and Control Act ("IRCA"). Consultant is and shall remain in compliance with the IRCA and shall ensure that any Consultant Representatives are and shall remain in compliance with the IRCA. In addition, Consultant shall defend, indemnify and hold harmless County and County Indemnified Parties from any Claims which arise out of or relate to any allegations that Consultant or Consultant Representatives are not authorized to work in the United States and/or any other allegations based upon alleged IRCA violations committed by Consultant or Consultant Representatives. Consultant shall defend any Claim with counsel of Consultant's choice, subject to County's written approval, and at Consultant's sole cost.

c. **Infringement Claim.** If any Claim is asserted or action or proceeding brought against County or County Indemnified Parties which alleges that all or any part of the Services in the form supplied by Consultant or County's use, infringes or misappropriates any United States or foreign patent or copyright, or any trade secret or other proprietary right, County shall give Consultant prompt written notice. Consultant shall defend and indemnify County and County Indemnified Parties from any Claims, including costs incurred by County in order to avoid entry of any default judgment or other waiver of County's rights. Consultant shall defend any claim with counsel of Consultant's choice, subject to County's written approval, and at Consultant's sole cost. County shall cooperate fully with and may monitor Consultant in the defense of any Claim and shall make employees available as Consultant may reasonably request with regard to the defense, subject to reimbursement by Consultant of all costs incurred by County's cooperation in the defense.

d. **Remedy of Infringement Claim.** If the Services are, in Consultant's opinion, likely to become or do become the subject of a claim of infringement or misappropriation of a United States or foreign patent, copyright, trade secret or other proprietary right, or if a temporary restraining order or other injunctive relief is entered against the use of part or all of the Services, Consultant shall within 90 days:

1. **Replace.** Promptly replace the Services with compatible, functionally equivalent, and non-infringing Services;

2. **Modify.** Promptly modify the Services to make them non-infringing without materially impairing County's ability to use the Services as intended;

3. **Procure Rights.** Promptly procure the right of County to continue using the Services; or

4. **Refund.** As a last resort, if none of these alternatives is reasonably available to Consultant, and County is enjoined or otherwise precluded legally from using the Services, Consultant shall, within 120 days of the judgment or other court action, promptly refund to County all fees and costs paid for the Services, and this Agreement shall terminate. All licensed products shall be disposed of as ordered by the governing court at the sole cost of Consultant or as determined by County if the court does not so direct.

e. **Modification of Services.** This indemnification does not extend to modifications or additions to the Services made by County or any third party without the prior written consent of Consultant, or to any unauthorized use of the Services by County.

f. **Survival of Indemnification Obligations.** Upon completion of this Agreement, the provisions of this Section 8 shall survive.

9. **Insurance.** Consultant, in order to protect County and County Indemnified Parties against Claims as a result of the performance of Consultant's obligations, as required in this Agreement, shall secure and maintain the following insurance. Consultant shall not perform any Services until Consultant has obtained all insurance required under this Section 9 and the required certificates of insurance and all required endorsements have been filed with County's authorized insurance representative ("Authorized Insurance Representative"). Receipt of evidence of insurance that does not comply with all applicable insurance requirements shall not constitute a waiver of these insurance requirements. The required documents must be signed by the authorized representative of the insurance company shown on the certificate. Upon request, Consultant shall supply proof that the designated person is an authorized representative, and is authorized to bind the named underwriter(s) and their company to the stated coverage, limits and termination provisions. Consultant shall promptly deliver to Authorized Insurance Representative a certificate of insurance, and all required

endorsements, with respect to each renewal policy, as necessary to demonstrate the maintenance of the required insurance coverage for the Term. The certificates and endorsements shall be delivered to Authorized Insurance Representative prior to the expiration date of any policy and bear a notation evidencing payment of the premium if so requested. Consultant shall immediately pay any deductibles and self-insured retentions under all required insurance policies upon the submission of any Claim by Consultant or County as an additional insured.

a. **Workers' Compensation and Employer's Liability Insurance Requirement.** If Consultant has employees who may perform any Services under this Agreement, Consultant shall submit written proof that Consultant is insured against liability for workers' compensation in accordance with the provisions of California Labor Code Section 3700. Consultant shall require any Consultant Representatives to provide workers' compensation for any of the Consultant Representative's employees, unless the employees are covered by the insurance carried by Consultant. If any class of employees engaged in Services is not covered by California Labor Code Section 3700, Consultant shall provide and/or require each Consultant Representative to provide adequate insurance for the coverage of employees not otherwise covered. Consultant shall also maintain employer's liability insurance with limits of \$1,000,000 for bodily injury or disease.

b. **Liability Insurance Requirements.**

1. **Types of Liability Insurance.** Consultant shall maintain in full force and effect, during the Term, the following types of liability insurance:

A. **Commercial General Liability Insurance,** including Contractual Liability Insurance (specifically covering the indemnification provisions of this Agreement), Products-Completed Operations Hazard, Personal Injury (including bodily injury and death), and Property Damage for liability arising out of Consultant's performance of the Services. The Commercial General Liability insurance shall contain no exclusions or limitations for Consultant Representatives working on the behalf of the named insured. Consultant shall maintain the Products-Completed Operations Hazard coverage for the longest period allowed by Applicable Law following termination of this Agreement. The amount of the insurance coverage required by this Agreement shall be the policy limits, which shall be no less than the amount specified on the Schedule.

B. **Automobile Liability Insurance,** against claims of Personal Injury (including bodily injury and death) and Property Damage covering any owned, leased, hired and non-owned vehicles used in the performance of the Services with insurance coverage equal to the policy limits, which shall be no less than the amount specified on the Schedule.

C. **Professional Liability (Errors and Omissions) Insurance,** for liability arising out of or related to the performance of the Services, with insurance coverage equal to the policy limits, which shall be no less than the amount specified on the Schedule.

2. **Endorsements.** The Commercial General Liability and Automobile Liability Insurance required in this Section 9 shall include an endorsement naming County and County Indemnified Parties as additional insureds for liability arising out of this Agreement and any related operations. The endorsement shall be provided using one of the following three options: (i) on ISO form CG 20 10 11 85; or (ii) on ISO form CG 20 37 10 01 plus either ISO form CG 20 10 10 01 or CG 20 33 10 01; or (iii) on other forms which provide coverage at least equal to or better than form CG 20 10 11 85.

3. **Claims-Made Insurance.** If any of the insurance coverages required under this Agreement is written on a claims-made basis, Consultant, at Consultant's option, shall either (i) maintain the coverage for at least three years following the termination of this Agreement with coverage extending back to the Effective Date; (ii) purchase an extended reporting period of not less than three years following the termination of this Agreement; or (iii) acquire a full prior acts provision on any renewal or replacement policy.

c. **Insurance Companies.** All insurance shall be issued by a company or companies admitted to do business in California and listed in the current "Best's Key Rating Guide" publication with a minimum rating of A-; VII. Any exception to these requirements must be approved in writing by the County Risk Manager.

d. **Self-Insurance.** If Consultant is, or becomes during the Term, self-insured or a member of a self-insurance pool, Consultant shall provide coverage equivalent to the required insurance coverages and endorsements. County will not accept the coverages unless the County Risk Manager determines, in its sole discretion and by written acceptance, that the coverages proposed to be provided by Consultant are equivalent to the required coverages. Any self-insured retentions in excess of \$100,000 must be declared on the Certificate of Insurance or other documentation provided to County and must be approved in writing by the County Risk Manager.

e. **Primary Insurance; Waiver of Subrogation.** All insurance carried by Consultant shall be primary to and not contributing to any insurance or self-insurance maintained by County. An endorsement shall be provided on all policies, except professional liability/errors and omissions, which shall waive any right of recovery (waiver of subrogation) against County.

f. **Insurance Does Not Replace Indemnification.** Maintenance of the insurance coverages in the minimum specified amounts shall not be construed to relieve Consultant for any liability, whether within, outside, or in excess of the coverage,

and regardless of solvency or insolvency of the insurer that issues the coverage; nor shall it preclude County from taking other actions as are available to it under this Agreement or under Applicable Law.

g. **Failure to Maintain Insurance.** Failure by Consultant to maintain all insurance in effect at all times required by this Agreement shall be a material breach of this Agreement by Consultant. County, at its sole option, may terminate this Agreement and obtain damages from Consultant resulting from the breach. Alternatively, County may purchase the required insurance coverage, and without further notice to Consultant, County shall deduct from sums due to Consultant any premiums and associated costs advanced or paid by County for the insurance. If the balance of monies owed to Consultant under this Agreement is insufficient to reimburse County for the premiums and any associated costs, Consultant shall reimburse County for the premiums and pay for all costs associated with the purchase of the insurance. Any failure by County to take this alternative action shall not relieve Consultant of its obligation to obtain and maintain the insurance coverages required by this Agreement.

h. **Cancellation of Insurance.** The insurance coverages required to be maintained by Consultant shall be maintained until the completion of all of the Services except as otherwise stated in this Agreement. Each insurance policy supplied by Consultant shall not be terminated, suspended, voided, canceled, non-renewed or reduced in coverage or in limits except after 10 days prior written notice to Consultant in the case of non-payment of premiums, or 30 days prior written notice in all other cases. This notice requirement does not waive these insurance requirements. Consultant shall immediately obtain replacement coverage for any insurance policy that is terminated, suspended, voided, canceled, reduced in coverage, or whose policy limits have been exhausted or upon insolvency of the insurer that issued the policy.

10. **Consultant Representations.** Consultant makes the following representations, which the Parties agree are material to and form a part of the inducement for this Agreement:

a. **Expertise and Staff.** Consultant has the expertise, support staff, and facilities necessary to provide the Services; and

b. **No Adverse Interests.** Consultant does not have any actual or potential interests adverse to County, nor does Consultant represent a person or firm with an interest adverse to County relating to the subject of this Agreement; and

c. **Timeliness.** Consultant shall diligently provide the Services in a timely and professional manner in accordance with the terms and conditions in this Agreement.

11. **Ownership of Documents.** All reports, documents, and other items generated or gathered in the course of providing the Services are and shall remain the property of County, and shall be returned to County upon full completion of the Services or termination of this Agreement, whichever first occurs.

12. **Rights to Contracted Products.**

a. **Belong to County.** For no additional fee or charge, products developed, prepared, generated or gathered by Consultant or Consultant's Representatives under this Agreement, shall be considered creative works for hire and shall be delivered to and become the exclusive property of County and may be used by County in any way it may deem appropriate. Consultant shall have no rights in the products, except the right to use the products for the exclusive purpose of providing the Services, and Consultant shall not copy or disclose to any third party any product, except as is expressly set forth in this Agreement or by separate written agreement between the Parties. These provisions do not apply to Consultant's original licensed software or administrative communications and records, which shall remain the exclusive property of Consultant.

b. **Use by County.** The ideas, concepts, know-how, and techniques developed during the course of this Agreement may be used by County in any way it may deem appropriate, so long as that use does not violate any term in this Agreement or any Applicable Law.

c. **No Publication.** Consultant or Consultant's Representatives shall not publish or disseminate information gained through participation in this Agreement without the specific prior review and written consent by County.

d. **Delivery to County.** Upon termination or expiration of this Agreement, Consultant shall immediately deliver to County all County-owned programs and documentation developed under this Agreement. In addition, Consultant grants to County a perpetual, royalty-free, non-exclusive, irrevocable, and non-transferable license to use, solely for County purposes, any Consultant-owned program, including system software, utilized by Consultant in performance of the Services.

e. **Survival of Covenants.** Upon completion of this Agreement, the provisions of this Section 12 shall survive.

13. **Termination.** The Purchasing Agent may at his or her election, without cause, terminate this Agreement by written notice ("**Notice of Termination**"). The Notice of Termination shall be deemed effective 15 days after personal delivery, or 20 days after mailing by U.S. Mail, postage prepaid, registered or certified mail, addressed as provided in Section 23. In addition, either Party may immediately terminate this Agreement if the other Party fails to substantially perform in accordance with the terms and conditions of this Agreement through no fault of the Party initiating the termination. In the event this Agreement is terminated by either Consultant or the

Purchasing Agent, Consultant shall submit to the Responsible County Department all files, memoranda, documents, correspondence and other items generated in the course of performing the Services, within 15 days after the effective date of the Notice of Termination. If either Party terminates this Agreement as provided in this Section 13, County shall pay Consultant for all satisfactory Services rendered by Consultant prior to the effective date of Notice of Termination in an amount not to exceed the maximum dollar amount shown on the Schedule.

14. **Choice of Law/Venue.** The Parties agree that the provisions of this Agreement shall be construed under the laws of the State of California. This Agreement has been entered into and is to be performed in the County of Kern. Accordingly, the Parties agree that the venue of any action relating to this Agreement shall be in the County of Kern.

15. **Compliance with Applicable Law.** Consultant shall observe and comply with all applicable local, state, and federal laws, ordinances, rules, and regulations now in effect or later enacted ("**Applicable Law**"), each of which is made a part of this Agreement.

16. **Confidentiality.** Consultant shall not, without the prior written consent of the Purchasing Agent, communicate confidential information, designated in writing or identified in this Agreement as confidential, to any third party and shall protect confidential information from inadvertent disclosure to any third party in the same manner that it protects its own confidential information, unless disclosure is required in response to a validly issued subpoena or other process of law. Upon completion of this Agreement, the provisions of this Section 16 shall continue to survive.

17. **Conflicts of Interest.**

a. **Financial Conflicts of Interest.** Consultant has read and is aware of the provisions of Government Code Section 1090 et seq. and Section 87100 et seq. relating to conflict of interest of public officers and employees. Consultant acknowledges that it is unaware of any financial or economic interest of any public officer or employee of County relating to this Agreement. It is further understood and agreed that if a financial interest does exist at the inception of this Agreement, County may immediately terminate this Agreement by giving written notice. Consultant shall comply with the requirements of Government Code Section 1090 et seq. and 87100 et seq. during the Term.

b. **Organizational Conflicts of Interest.** Consultant represents, to the best of its knowledge, that neither Consultant nor any Consultant Representative presently has any consulting or contractual arrangement with any firm or organization that would give rise to an organizational conflict of interest with respect to the Services. Neither Consultant nor any Consultant Representative shall enter into any contractual arrangement that would give rise to any potential organizational conflict of interest, without first obtaining County's prior written approval before entering into the contractual arrangement. If any organizational conflict of interest is discovered by Consultant relating to this Agreement, Consultant shall immediately notify County, and attempt to present a suitable mitigation plan. County may, at its sole discretion, terminate this Agreement in the event that Consultant has any actual or potential organizational conflict of interest. As used in this Section 17.b, "organizational conflict of interest" means any a relationship whereby Consultant has present or planned interests related to the Services which (i) may diminish its capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product, or (ii) may result in Consultant or any Consultant Representative being given an unfair advantage.

18. **Enforcement of Remedies.** No right or remedy conferred on or reserved to a Party is exclusive of any other right or remedy under law, equity or statute, but each shall be cumulative of every other right or remedy now or in the future existing under law, equity or statute, and may be enforced concurrently or from time to time.

19. **Negation of Partnership.** In the performance of the Services, Consultant shall be, and acknowledges that Consultant is, in fact and law, an independent contractor and not an agent or employee of County. Consultant has and retains the right to exercise full supervision and control of the manner and methods of providing the Services. Consultant retains full supervision and control over the employment, direction, compensation and discharge of all persons assisting Consultant in the provision of the Services. With respect to Consultant's employees, if any, Consultant shall be solely responsible for payment of wages, benefits, and other compensation, compliance with all occupational safety, welfare and civil rights laws, tax withholding and payment of employee taxes, whether federal, state or local, and compliance with any Applicable Law regulating employment.

20. **Non-collusion Covenant.** Consultant represents and agrees that (i) it has in no way entered into any contingent fee arrangement with any firm or person concerning the obtaining of this Agreement with County and (ii) it has received from County no incentive or special payments and no considerations not related to the provision of the Services.

21. **Non-discrimination.** Neither Consultant, nor any Consultant Representative, shall discriminate in the treatment or employment of any individual or groups of individuals on the grounds of race, color, religion, national origin, age, sex, or any other classification protected by Applicable Law, either directly, indirectly or through contractual or other arrangements.

22. **Non-waiver.** No term, covenant or condition of this Agreement can be waived except by the prior written consent of County. Forbearance or indulgence by County shall not constitute a waiver of the covenant or condition to be performed by Consultant. County shall be entitled to invoke any remedy available to County under this Agreement or by Applicable Law despite the forbearance or indulgence.

23. **Notices.** All notices under this Agreement shall be provided to the Kern County Purchasing Agent at the address indicated in the opening section of this Agreement and to the Consultant and Responsible County Department at the addresses shown on the Schedule. Delivery shall be by personal delivery or deposit in the U.S. Mail, postage prepaid, registered or certified mail, addressed as specified above. Notices delivered personally shall be deemed received upon receipt; mailed or expressed notices shall be deemed received five days after deposit. A Party may change the address to which notice is to be given by giving notice as provided above. Nothing in this Agreement shall be construed to prevent or render ineffective delivery of notices under this Agreement by leaving the notice with the receptionist or other person of like capacity employed in Consultant's office, or the receptionist for the Kern County General Services Department.

24. **Captions and Interpretation.** Section headings in this Agreement are used solely for convenience, and shall be wholly disregarded in the construction of this Agreement. No provision of this Agreement shall be interpreted for or against a Party because that Party or its legal representative drafted the provision. This Agreement is the product of negotiation and both Parties are equally responsible for its authorship. California Civil Code Section 1654 shall not apply to the interpretation of this Agreement.

25. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

26. **Modifications of Agreement.** This Agreement may be modified in writing only, signed by the Parties in interest at the time of the modification.

27. **Severability.** If any term, covenant or condition in, or provision of, this Agreement is determined by a court to be in conflict with any Applicable Law, or otherwise be unenforceable or ineffectual, the validity of the remaining terms or provisions shall be deemed severable and shall not be affected, provided that the remaining terms or provisions can be construed in substance to constitute the agreement which the Parties intended to enter into on the Effective Date.

28. **Signature Authority.** Each Party has full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each Party has been properly authorized and empowered to enter into this Agreement.

29. **Sole Agreement.** This Agreement, including the Schedule and Exhibits, contains the entire agreement of the Parties relating to the Services, rights, and obligations and terms, covenants and conditions contained in this Agreement and assumed by the Parties. No inducements, representations or promises have been made, other than those stated in this Agreement. No oral promise, modification, change, or inducement shall be effective or given any force or effect.

30. **Time of Essence.** Time is expressly declared to be of the essence of this Agreement and of each provision, and each provision is declared to be a material, necessary and essential part of this Agreement.

31. **No Third Party Beneficiaries.** The Parties understand and agree that the enforcement of the terms, covenants and conditions and all rights of action relating to enforcement, shall be strictly reserved to County and Consultant. Nothing contained in this Agreement shall give or allow any claim or right of action by any other third person. It is the express intention of County and Consultant that any person or entity, other than County or Consultant, receiving services or benefits under this Agreement shall be deemed an incidental beneficiary only.

32. **Gender/Plural.** References to feminine, masculine or neutral include the other, and references to the singular or plural include the other.

33. **Recitals.** Each of the recitals is incorporated in this Agreement, is deemed to be the agreement and a reflection of the intent of the Parties, and is relied upon by the Parties in agreeing to the provisions of this Agreement and in interpreting its provisions.

34. **Exhibits.** All exhibits attached to this Agreement are incorporated into this Agreement by reference.

35. **Corporate Qualifications.** If Consultant is a corporation incorporated outside the state of California transacting intrastate business within the meaning of California Corporations Code section 191, then Consultant shall, within five business days of the execution of this Agreement, provide County with a copy of the certificate of qualification issued by the California Secretary of State indicating that Consultant is currently qualified to do business in the state of California under California Corporations Code section 2105. If Consultant is a limited liability company formed outside the state of California transacting intrastate business within the meaning of California Corporations Code section 191, then Consultant shall, within five business days of the execution of this agreement, provide to County a copy of the certificate of registration issued by the California Secretary of State indicating that Consultant is currently qualified to do business in the state of California under California Corporations Code section 17708.02. Any corporation or limited liability company, whether or not incorporated in the state of California, must be in good standing to qualify to do business with County. Failure to provide County with the current certificates is grounds for County to terminate the Agreement.

CITY COUNCIL
July 24, 2018

To: Mayor and Council

From: Police Chief Hurtado

Subject: Hiring to fill vacant Police Jailer positions 18-4212-110

Background: The City Council approved the "Police Jailer/Community Service Officer" position for the FY 2017-2018. We currently have 1 of the original 4 positions filled. This position is becoming more important as the staffing of full-time sworn officers diminishes. Fiscal uncertainty has caused many of the trained full-time sworn police officers to seek secure employment at other law enforcement agencies.

The Police Department has averaged 800+ arrests each year. Many require transport to Kern County Central Receiving Facility/Jail in Bakersfield. As of July 17, 2018, the Police Department has made 330 arrests since January 1, 2018.

Aside from officers transporting prisoners to jail, officers also must transport suicidal persons and those with special mental health needs. In 2017 the Police Department responded to 45 mental health/suicidal subject (5150 W&I) calls. Of those calls, 26 were transported by an officer to a mental health facility.

Officers also transport juveniles that commit serious crimes as well as take children into protective custody under 300 W&I when their safety is in jeopardy.

Our Police officers must make many round-trips to Bakersfield, Ridgecrest, Tehachapi and Mojave. These transports can take anywhere from 3 to 6 hours, depending on the nature of the transport.

The jailer positions are limited Peace-Officer Power positions and are paid at a lower hourly rate of pay than regular Police Officers. These positions should be easier to fill than the Police Officer positions and can alleviate the burden of booking and transportation duty from regular Police Officers to Jailer/Community Service Officers.

There are currently 3 Jailer vacancies and staff recommends the filling of these positions as soon as possible.

Recommendation: Allow the hiring of 3 full-time jailers and lift the hiring freeze for these positions.

Financial Impact: Approximately \$5,000 per month per jailer (includes benefits) from Police fund 18-4212.

The finance director has reviewed the staff report and finds the recommendations to be within the budget constraints of the program.

Environmental impact: None



PH: 1

CITY COUNCIL

MEETING DATE: JULY 24, 2018

TO: City Council

FROM: Public Works Director

MEETING DATE: July 24, 2018

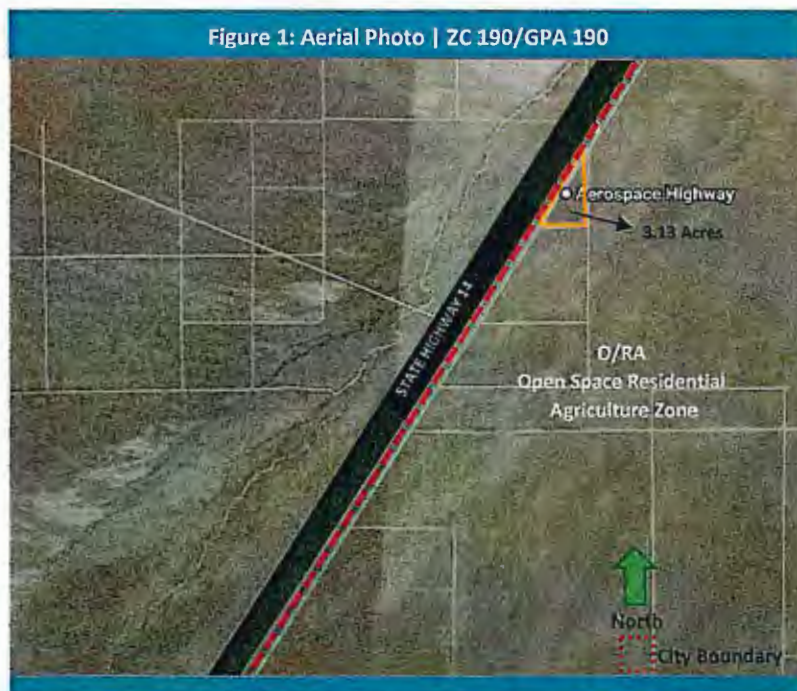
SUBJECT: Public Hearing to consider recommending the Approval of an Initial Study, Negative Declaration, and General Plan Amendment 190, (**GPA 190**) and the Adoption of Zone Change 190, (**ZC 190**) for Deborah Vaupen, 1004 Pacific Street, Santa Monica, CA 90405.

The project certifies a Negative Declaration per CEQA in order to Rezone and Amend the General Plan for one vacant 3.13 acre parcel from O/RA Open Space Residential Agricultural to C5 Regional Commercial. The property is located adjacent to State Highway 14 and may be identified as APN 225-013-25.

CITY COUNCIL ACTION:

The City staff recommends that the City Council adopt the following:

- 1) **RESOLUTION NO. 07-24-2747** approving the Negative Declaration (Attachment 1)
- 2) **RESOLUTION NO 07-24-2748** amending the General Plan (Attachment 2)
- 3) **ORDINANCE NO 18-763** approving Zone Change 190 (Attachment 3)

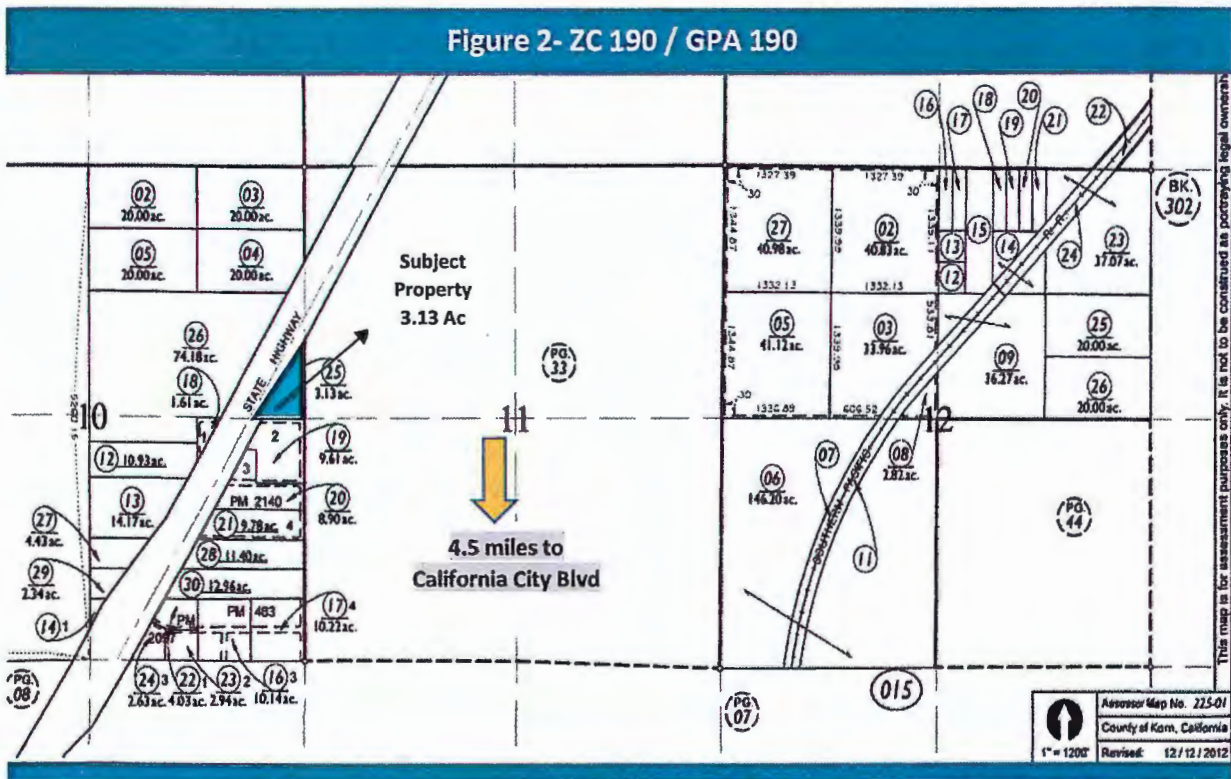


PROJECT APPLICANT:

Deborah Vauhen, 1004 Pacific Street, Santa Monica, CA 90405

GENERAL LOCATION:

The property is located approximately 4.5 miles north of California City Boulevard on the east side of State Highway 14, bearing APN: 225-013-25 in Section 10, Township 32, Range 36E, Latitude 35.1627, Longitude -118.0931 in the City of California City, County of Kern, CA 93505. The property lies adjacent to State Highway 14 in the western boundary of California City. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128).



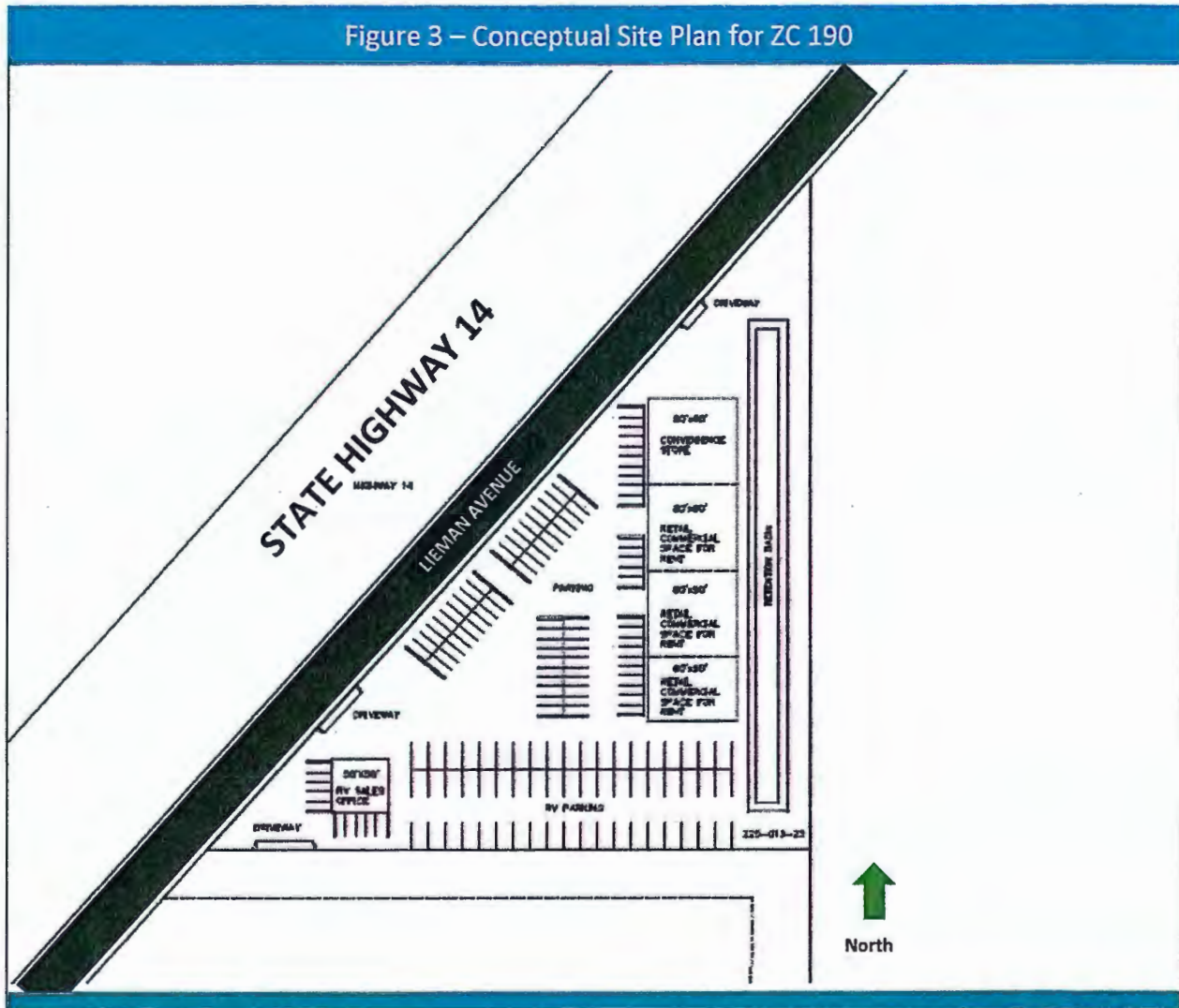
BACKGROUND:

Zone Change 190 is necessary to rezone approximately 3.13 acres from O/RA Open Space/Residential Agricultural to C5 Regional Commercial for the purpose of creating a Regional Commercial Center. The *Planning Commission City of California City* at their *regular meeting March 20, 2018* reviewed the case and recommended approval and adoption to the City Council City of California City. (Please see *Planning Commission Staff Report and Resolution attached as Exhibit B*)

The O/RA Zone District is limited with regard to the extent of urbanization that may occur. The purpose of the Open Space, ("O") Zone District is to provide for the preservation and conservation of unique natural resource lands, protection and preservation of unique wildlife resources and habitats, protection against flooding by storm water in flood prone areas and the establishment of active and passive recreational uses. The Residential/Agricultural ("RA") District provides living area which combines the advantages of urban and rural location by limiting development to very low density one-family dwellings and permitting animals and fowl to be kept for pleasure or hobbies.

The C5 - Regional Commercial District as designated in the General Plan is intended for the exclusive establishment of commercial uses serving the region and traveling public and emergency shelters.

While the applicant has not committed to a specific development proposal of the land, conceptual site plans, (please see *Figure 3*) have been submitted. The conceptual site plan proposes 2, 500 sq.ft. for an RV Sales office; 17, 600 sq.ft. for a retail commercial space and 6,400 sq. ft. for a convenient store. Surrounding parcels are all vacant.



The staff is recommending that the Land Use Element of the General Plan for the project site be amended from O/RA Open Space, Residential or Agriculture to C5 – Regional Commercial. The intended land use benefits the transit corridor greatly due to sparse commercialization along this section of State Highway 14. Therefore amending the General Plan is most appropriate because the City utilizes one map for both the Zoning Ordinance and General Plan. Also, State Law requires that the Zoning Districts be consistent with the General Plan land use designations. There is a matrix within the General Plan indicating that Controlled Development, Public Parks & Recreation or Public Schools to be consistent with C-5 subject to a determination that it is “conditionally compatible.” It would be preferred that the General Plan land use designation be amended to C.5 - Regional Commercial District because there is no gray area regarding compatibility.

NOTICING:

Notice of public hearing before the City Council of the City of California City for this project was advertised in the newspaper on July 14, 2018, specifically a Notice of Intent to adopt this a Negative

Declaration, Zone Change and General Plan Amendment was published in the *Antelope Valley Press*. Further all property owners within 300 feet of the project site were notified about the hearing and the proposed zone change at least 10 days prior to the public hearing in accordance with State law.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Negative Declaration for Zone Change 190 and General Plan amendment 190 were submitted to the State Clearinghouse for a 30-day review period starting March 6, 2018 to April 5, 2018. The City received comments during the review period from the Lahontan Regional Water Quality Control Board ("LRWQCB"), California Department of Fish and Wildlife ("CDFW"), & California Department of Transportation ("Caltrans"). The Negative Declaration document containing all the above discussed documents is attached as **EXHIBIT A**.

The Initial Study was crafted to only obtain zone change approval at this time and therefore lacks details required to recommend any mitigation measures at this time. The staff has determined that the applicant will re-submit a detailed initial study document during project construction phase and produce any studies required at the time. Synonymous with the staff's recommendation CDFW requests that the applicant conduct a detailed initial study prior to construction when the proponent has a better understanding of the types of uses for the project site.

RECOMMENDATION: That the City Council approve the following and give first reading by title only of Ordinance No. 18-763:

- 1) ***RESOLUTION NO. 07-24-2747 approving the Negative Declaration (Attachment 1)***
- 2) ***RESOLUTION NO 07-24-2748 amending the General Plan (Attachment 2)***
- 3) ***ORDINANCE NO 18-763 approving Zone Change 190 (Attachment 3)***

ATTACHMENTS:

EXHIBIT A "Negative Declaration Document"
EXHIBIT B "Planning Commission Staff Report"

RESOLUTION NO. 07-24-2747

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING A
NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS
(Vauhpen Property)**

The City Council of the City of California City does resolve as follows:

WHEREAS, the City of California City's Environmental Coordinator prepared an Initial Study on the project (GP Amendment 190 and Zone Change 190) (the "Project") which identified potentially significant effects of the Project; and

WHEREAS, revisions to and/or conditions placed on the Project, were made or agreed to by the applicant before the negative declaration was released for public review, were determined by the environmental coordinator to avoid or reduce the potentially significant effects to a level that is clearly less than significant and that there was, therefore, no substantial evidence that the Project, as revised and conditioned, would have a significant effect on the environment; and

WHEREAS, a negative declaration of environmental impacts was then prepared, properly noticed, and circulated for public review.

WHEREAS, the Planning Commission of the City of California City has recommended that the City Council approve the negative declaration of environmental impacts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of California City as follows:

Section 1. Based on the Initial Study, the revisions and conditions incorporated into the Project, and information received during the public review process, the City Council of the City of California City finds that there is no substantial evidence that the Project, as revised and conditioned, may have a significant effect on the environment.

Section 2. The negative declaration reflects the independent judgment of the City Council.

Section 3. All feasible mitigation measures identified in the City of California City General Plan Environmental Impact Reports which are applicable to this Project have been adopted and undertaken by the City of California City and all other public agencies with authority to mitigate the project impacts or will be undertaken as required by this project.

Section 4. A negative declaration of environmental impacts, attached hereto as Exhibit A and incorporated by this reference, is hereby approved for the Project.

Section 5. The documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in the office of the California City Public Works Department, Planning Division, 21000 Hacienda Boulevard, California City, California 93505. The custodian of these documents and other materials is the California City Public Works Director.

Section 6. Upon approval of the Project by the City Council, the environmental coordinator shall file a Notice of Determination with the County Clerk of Kern County and, if the project requires a discretionary

approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED AND ADOPTED this day _____ by the following vote: AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Wood, Mayor

ATTEST:

Denise Hilliker, City Clerk

Page 2 of

Reso. No. **07-24-2747**

EXHIBIT A

CITY OF CALIFORNIA CITY NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION FOR ZONE CHANGE ZC 190

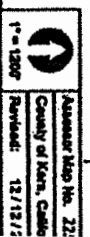
NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Council, California City in the Council Chambers at City Hall, 21000, Hacienda Boulevard, California City, CA 93505, to consider an application for Zone Change (ZC-190) and General Plan Amendment (GPA – 190) for Deborah Vaupen, 1004 Pacific Street, Santa Monica, CA 90405. The applicant proposes to rezone approximately 3.13 acres of vacant desert land from O/RA Open Space / Residential Agriculture to C5 Regional Commercial to accommodate a recreational vehicle sales lot, a convenience store, and other retail commercial spaces for rent. The 3.13 acre vacant land is located east of California State Route Highway 14 bearing Assessor's Parcel Number or APN: 225-013-25 in Section 10, Township 32, Range 36E, Latitude 35.1627, Longitude -118.0931 in the City of California City, County of Kern, CA 93505. According to the Biological Resources Survey provided by the applicant this project is not expected to result in a significant adverse impact to biological resources (Hagan, 2017). Planning and environmental documents for this project are available to the public at the California City Planning Division, 21000 Hacienda Blvd. or online at www.californiacity-ca.gov

MEETING DATE BY THE CITY COUNCIL FOR THIS PUBLIC HEARING: Tuesday, July 24, 2018 at 6:00 p.m. – City Council Meeting

ANY PERSON WISHING TO BE HEARD on this matter may appear and speak at the City Council meeting or may submit their comments in writing directly to the City either in person/mail or via email to planning2@californiacity-ca.gov

(哭)

Access is controlled with T.318, R.20E.
USF General Land Office survey.



225 013 19 00
Carol Cachat
786 Highridge St
Riverside, CA 92506

225 013 20 00
Kingsley Family
105 Avenida Salvador
San Clemente, CA 92672

225 013 25 00
Deborah & Andrew Vaupen
1004 Pacific St
Santa Monica, CA 90405

225 333 12 00
Rosario Pedro Del & M Raquel
17415 Vierra Ave
Cerritos, CA 90703

225 333 19 00
Sandra Odowd
11202 Kingsdale Dr
Corona, CA 92880

225 334 01 00
Kenneth & Gwelda Fleming
13322 Thistle Ave
Norwalk, CA 90650

225 334 02 00
Allan & Edna Durand
PO Box 465
GLASLYN SK
CANADA

225 334 03 00
Joo Lee
466 Foothill Blvd #317
La Canada Flt, CA 91011

225 334 04 00
Michael & Maria Baltay
9900 Milburn Dr
Sun Valley, CA 91352

225 334 05 00
Chan Begum
51 Covington Ct
East Brunswick, NJ 08816

RECEIVED WITH FEE

RECEIPT #

15720058

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2018031014

FILED

KERN COUNTY

Project Title: Initial Study, Negative Declaration, and Zone Change 190

Lead Agency: City of California City

Contact Person: Anu Doray

Mailing Address: 21000 Hacienda Blvd.

Phone: 760-373-7141

City: California City

Zip: 93505

County: Kern

MAR 06 2018

MARY E BEDARD
AUDITOR/CONTROLLER/COUNTY CLERK
BY: [Signature] DEPUTY

Project Location: County: Kern

City/Nearest Community: California City

Cross Streets: East of California State Route Highway 14

Zip Code: 93505

Longitude/Latitude (degrees, minutes and seconds): 35 ° 16 ' 27 " N / -118 ° 09 ' 31 " W Total Acres: 3.13

Assessor's Parcel No.: 225-013-25

Section: 10

Twp.: 32

Range: 36E

Base: M.D.B&M

Within 2 Miles: State Hwy #: 14

Waterways: No

Airports: No

Railways: No

Schools: No

Document Type:

- CEQA: ☐ NOP
☐ Early Cons
☒ Neg Dec
☐ Mit Neg Dec

- ☐ Draft EIR
☐ Supplement/Subsequent EIR
(Prior SCH No.)
Other:

- NEPA: ☐ NOI
☐ EA
☐ Draft EIS
☐ FONSI

- Other: ☐ Joint Document
☐ Final Document
☐ Other:

Local Action Type:

- ☐ General Plan Update
☒ General Plan Amendment
☐ General Plan Element
☐ Community Plan

- ☐ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☐ Site Plan

- ☐ Rezone
☐ Prezone
☐ Use Permit
☐ Land Division (Subdivision, etc.)

- ☐ Annexation
☐ Redevelopment
☐ Coastal Permit
☐ Other:

Development Type:

- ☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☒ Commercial: Sq.ft. _____ Acres 3.13 Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____

- ☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW
☐ Waste Treatment: Type _____ MGD
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:

- ☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☒ Biological Resources
☐ Coastal Zone
☐ Drainage/Absorption
☐ Economic/Jobs
☐ Fiscal
☐ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☐ Geologic/Seismic
☒ Minerals
☒ Noise
☒ Population/Housing Balance
☒ Public Services/Facilities

- ☒ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☐ Sewer Capacity
☐ Soil Erosion/Compaction/Grading
☐ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation

- ☐ Vegetation
☒ Water Quality
☐ Water Supply/Groundwater
☐ Wetland/Riparian
☐ Growth Inducement
☐ Land Use
☐ Cumulative Effects
☐ Other:

Present Land Use/Zoning/General Plan Designation:

O/RA Open Space/Residential Agriculture

Project Description: (please use a separate page if necessary)

The project proposes to rezone 3.13 acres of vacant desert land to C5 Regional Commercial for the purpose of a recreation vehicle sales lot.

Notice of Environmental Document
Posted by County Clerk on 3/16/18
and for 30 days thereafter, Pursuant to
Section 21152(C), Public Resources Code

15720058

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #9	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB #R6
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #4	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date 03/05/2018 Ending Date 04/04/2018

Lead Agency (Complete if applicable):

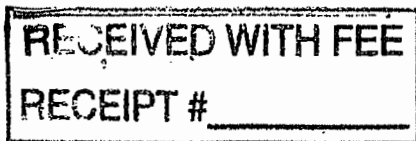
Consulting Firm: DeWalt Corporation
Address: 1930 22nd Street
City/State/Zip: Bakersfield, CA. 93301
Contact: Cynthia Bermudez
Phone: (661) 323-4600 x112

Applicant: Deborah Vaupen
Address: 1004 Pacific Street
City/State/Zip: Santa Monica, CA. 90405
Phone: (310) 488-3182

Signature of Lead Agency Representative: _____

Date: 3/1/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



CEQA
Transmittal Memorandum

Attach one transmittal memorandum to the front of the original CEQA document. Clip copies in back.

- If notice requires F&W receipt, you must provide a minimum of 3 copies of the document.
- If notice does not require F&W receipt, you must provide a minimum of 2 copies of the document.

TYPE OR PRINT CLEARLY

LEAD AGENCY City of California City

PROJECT TITLE Zone Change 190, Neg Dec

PROJECT APPLICANT Deborah Vaupen

PHONE NUMBER (310) 488 - 3182

PROJECT APPLICANT ADDRESS 1004 Pacific Street

CITY Santa Monica STATE CA ZIP CODE 90405

WORK ORDER # _____ ☒ 30-Day Posting ☐ 35-Day Posting ☐ 45-Day Posting

CONTACT PERSON Anu Doravari PHONE NUMBER (760) 373 - 7141

CHECK DOCUMENT BEING FILED:

- ☐ Notice of Availability No Fee
- ☒ Notice of Intent..... No Fee
- ☐ Notice of Preparation No Fee
- ☐ Notice of Public Hearing... No Fee
- ☐ Other No Fee
- ☐ Environmental Impact Report (EIR) \$3168.00
- ☐ Previously paid (must attach receipt) Receipt Number # _____
- ☐ DFG No Effect Determination (F&W letter must be attached)..... No Fee
- ☐ County Administrative Fee..... \$50.00
- ☒ Mitigated Negative Declaration or Negative Declaration..... \$2280.75
- ☐ Previously paid (must attach receipt) Receipt Number # _____
- ☐ DFG No Effect Determination (F&W letter must be attached)..... No Fee
- ☐ County Administrative Fee..... \$50.00
- ☐ Notice of Exemption No Fee
- ☒ County Administrative Fee..... \$50.00

TOTAL \$ 2,330.75

* Additional copies to be returned to: 21000 Hacienda Blvd.

* Method of return: ☐ Hold for pick-up/Call # _____ ☐ Interoffice Mail

PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

- ☐ Cash/Money Order ☐ JV - Dept _____ Fund _____ Expense Key _____
- ☒ Check
- ☐ Credit Card

Notice of Environmental Document
Posted by County Clerk on _____



State of California - Department of Fish and Wildlife

2018 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/02/18) Previously DFG 753.5a

RECEIPT NUMBER:

15 — 03062018 — 15136656

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
CITY OF CALIFORNIA CITY		3/6/2018
COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER	
Kern	9959	

PROJECT TITLE

ZONE CHANGE 190, NEG DEC

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
DEBORAH VAUPEN		(310) 488-3182
PROJECT APPLICANT ADDRESS	CITY	STATE
1004 PACIFIC STREET	SANTA MONICA	CA
		ZIP CODE
		90405

PROJECT APPLICANT (check appropriate box)

☐ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☒ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	2,280.75
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other

TOTAL RECEIVED \$ 2,330.75

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

KERN COUNTY CLERK, J. BOJORQUEZ OSS

Kern County
Clerks Office
1115 Truxtun Ave
Bakersfield CA 93301
661-868-3588

CEQA

County Clerk

Fee

#9959 1 @ \$50.000
\$50.00

NOD w/ Neg

Dec 1 @
#9959 \$2,280.750
\$2,280.75

Total \$2,330.75

Check #1042 \$2,330.75

Change \$0.00

ORDER NO: 249994
MAIL
3/6/2018 12:19:00 PM
BAKERSFIELD
JASMIN BOJORQUEZ

**INITIAL STUDY AND
ENVIRONMENTAL CHECKLIST FORM**

1. **Project Title:**
Initial Study, Negative Declaration, Zone Change 190
2. **Lead Agency Name and Address:**
City of California City, 21000 Hacienda Blvd., California City, CA 93505
3. **Contact Person and Phone Number:**
Planning Technician - Anu Doravari (760) 373-7141
4. **Project Location:**
Parcel Number(s): 229-013-25
Section 10, Township 32S, Range 36E
State Highway 14 is on the east side of the property. Vacant / undeveloped land is to the west, south, and north of the property.
5. **Project Sponsor's Name and Address:**
Deborah Vaupen, 1004 Pacific Street, Santa Monica, CA 90405
6. **General Plan Designation:**
Open Space / Residential Agricultural
7. **Zoning:**
Rezoned from O/RA to C5
8. **Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)**
Zone change 190 to change to the appropriate zoning. The property is currently zoned O / RA and will need to have a zone change to accommodate a future commercial center. The new zoning designation would be C5 – regional commercial. The property is an open field on the east side of State Highway 14.

The project area is within the 1988-2028 city of California city redevelopment plan and project area environmental impact report (EIR) (sch#870019128). This project is consistent with the California city 2009-2028 general plan (sch#19922062069). The city's general plan is available on the city's website at www.californiacity-ca.gov on the planning department's webpage under the public works department. All of these documents, including the 1988-2028 city of California City redevelopment plan and project area EIR are incorporated by reference and are also available for viewing at the city's planning department located at 21000 Hacienda Boulevard, California City, CA 93505-2293.
9. **Surrounding Land uses and Setting: (Briefly describe the project's surroundings)**
The property is within the city's general plan. The property is adjacent to Highway 14 and all surrounding properties are O / RA zoned vacant land that does not include structures.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below (■) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agriculture Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency). On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature

Craig Platt
Printed Name

Date

Planning Director
Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in its explanation following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation incorporated, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address the site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify: (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES AND SUPPORTING INFORMATION SOURCES	Potentially significant impacts	Less than significant with mitigation required	Less than significant impact	No impact
1. A ESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista? No. The development will follow Development Standards.				X
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. No. Property has no scenic resources or historic buildings. California City has no State Scenic Highways.				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings? No. The development will follow Development Standards.				X
d) Create a new source of substantial light. No. Development will follow Lighting Standards.				X
2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? No. Property is currently zoned as O / RA, Open Space / Residential Agriculture and there is no farming in the area.				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? No. Property is currently zoned as O / RA, Open Space / Residential Agriculture and is not under the Williamson Act contract.				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? No. The requested change in zoning designation will not affect the agricultural use of the property.				X
3. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.			X	

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.			X	
d) Expose sensitive receptors to substantial pollutant concentrations? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.			X	
e) Create objectionable odors affecting a substantial number of people? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.			X	
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial <u>adverse effect</u> , either <u>directly or through habitat modifications</u> , on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U. S. Fish and Wildlife Service (USFWS)? Desert tortoises may occur in adjacent properties, and the vegetation within the study area offers a potential nesting habitat for migratory birds. However, the necessary studies and will be done prior to development, per the Biological Resource Assessment of APN 225-013-25, dated 10/29/2017. As noted in the Biological Resource Assessment for this property, this project is not expected to result in a significant adverse impact to biological resources.				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service? No per the Biological Resource Assessment of APN 225-013-25, dated 10/29/2017. This project is not expected to result in a significant adverse impact to biological resources.				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? No. There are no wetlands within the project area.				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites? Desert tortoises may occur in adjacent properties, and the vegetation within the study area offers a potential nesting habitat for migratory birds. However, the necessary studies and will be done prior to development, per the Biological Resource Assessment of APN 225-013-25, dated 10/29/2017. As noted in the Biological Resource Assessment for this property, this project is not expected to result in a significant adverse impact to biological resources.				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? No per the Biological Resource Assessment of APN 225-013-25, dated 10/29/2017. This project is not expected to result in a significant adverse impact to biological resources.				X

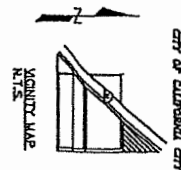
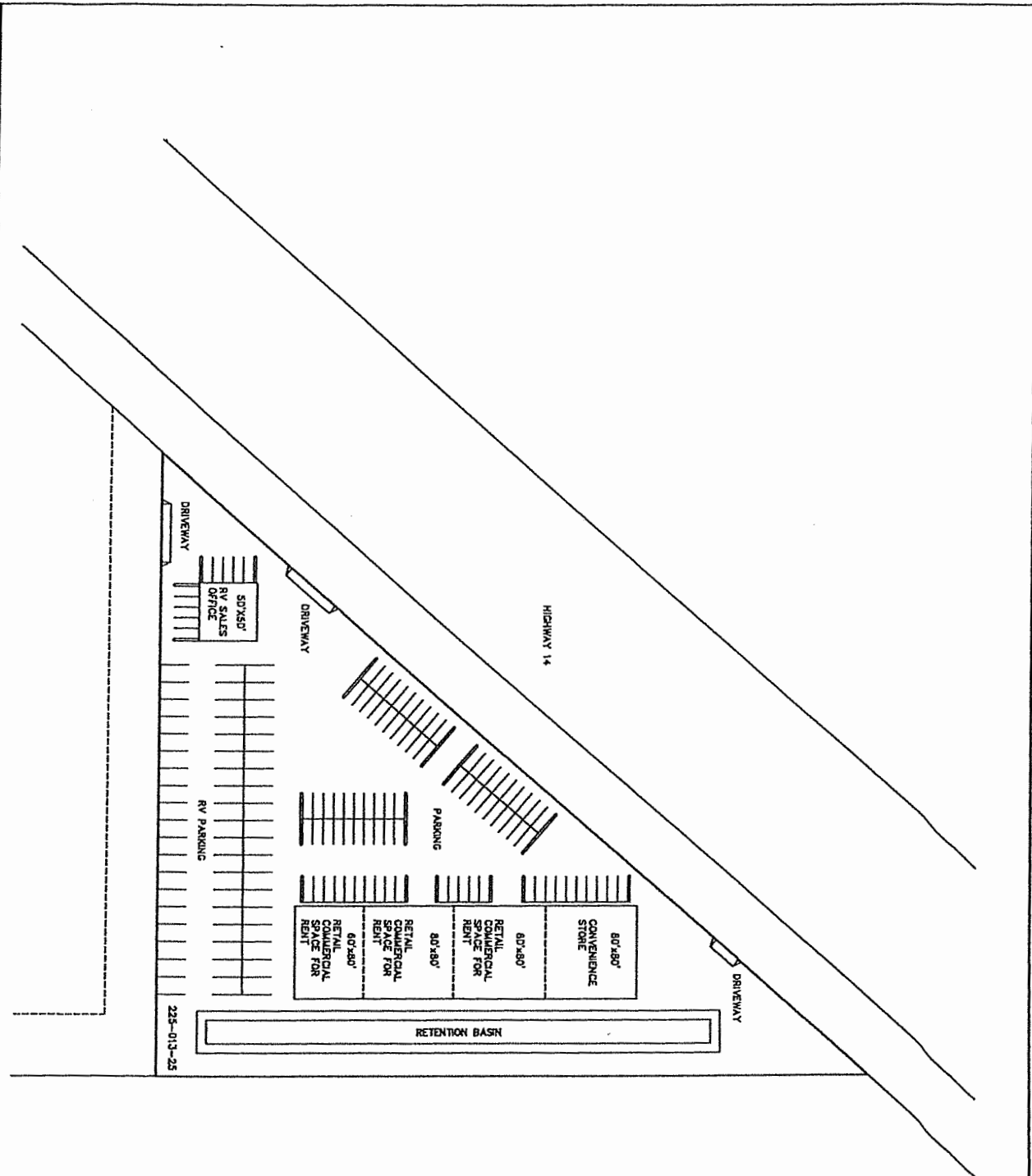
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? No. If a historical resource is found during excavation, all work would be suspended until the area has been thoroughly examined.				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? No. If an archeological resource is found during excavation, all work would be suspended until the area has been thoroughly examined.				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? No. If a unique paleontological resource or site or unique geologic feature is found during excavation, all work would be suspended until the area has been thoroughly examined.				X
d) Disturb any human remains, including those interred outside of formal cemeteries? No. If any human remains are found during excavation, all work would be suspended until the area has been thoroughly examined.				X
6. GEOLOGY AND SOILS. Would the project				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. No. The Muroc Fault traverses the southeastern portion of the City. This fault has not demonstrated Holocene movement during the past 11,000 years and, therefore, is not classified as an active or potentially active fault (reference page 6-3 of the City's General Plan, source Geological Hazards Study, April 2003). However, seismic ground shaking, seismic-related ground failure, including liquefaction could occur without warning in any location in the state of California.				X
ii) Strong seismic ground shaking? No. However, seismic ground shaking, seismic-related ground failure, including liquefaction could occur without warning in any location in the state of California.				X
iii) Seismic-related ground failure, including liquefaction? No. Approved under EIR for 40 year docs. RDA project area. However, seismic ground shaking, seismic-related ground failure, including liquefaction could occur without warning in any location in the state of California.				X
iv) Landslides? No. Landslides are highly unlikely due to the flat terrain. Landslides are highly unlikely due to the terrain of the City (General Plan – Figure 6-3).				X
b) Result in substantial soil erosion or the loss of topsoil? No. Soils report not required at this time.				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? No. The parcel is flat.				X

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? No. The parcel is flat.				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? No. The parcel is flat.				X
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? No. The project is for re-zoning to a regional commercial zone for future development that will include a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? No. According to the Cortese List, there are no hazardous material sites in the City of California City.				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? No. Although the property site is within the 5 mile radius of a public airport, the property will be used for a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? No. There are no private airstrips within the jurisdictional boundaries of the City.				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? No. This is a land use change. The City's General Plan Land Use, Circulation, Safety, Open Space and Conservation Element's Goals, Policies, and Implementation Measures apply. Will satisfy all Fire Department and Building Department requirements.				X
h) Expose people or structures to a significant risk of loss, injury or death including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? The property will be used for regional commercial development:				X

a recreational vehicle sales lot, a convenient store, and other retail commercial spaces.				
8. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements? No. Project would be designed to required specifications.				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? The property will be used for a recreational vehicle sales lot, a convenient store, and other retail commercial spaces for rent.				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? No. A storm water drainage system will be planned to accommodate future development and retained onsite.				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? No. A storm water drainage system will be planned to accommodate the project and retained onsite.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? No. A storm water drainage system will be planned to accommodate the project and retained onsite.				X
f) Otherwise substantially degrade water quality? No. A storm water drainage system will be planned to accommodate the project.				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? No. No housing will be developed on this property.				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? No. Per the FEMA Flood Insurance Rate Map Panel 2925 of 4125 which (included in this submission for reference) shows that the property is not within the 100 year flood zone hazard area.				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? No. Per the FEMA Flood Insurance Rate Map Panel 2925 of 4125 which is (included in this submission for reference) shows that the property is not within the 100 year flood zone hazard area.				X
j) Inundation by seiche, tsunami, or mudflow? No. The project is not near a large body of water.				X

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? No. Zone change from O/RA to C5.				X
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END OF DOCUMENT



CITY OF CLATSOP COUNTY

Biological Resource Assessment of
APN 225-013-25
California City, California

October 29, 2017

Mark Hagan, Wildlife Biologist
44715 17th Street East
Lancaster, CA 93535
(661) 723-0086

B.S. Degree, Wildlife Management
Humboldt State University

Biological Resource Assessment of APN 225-013-25, California City, California

Mark Hagan, Wildlife Biologist, 44715 17th Street East, Lancaster, CA 93535

Abstract

Development has been proposed for APN 225-013-25, California City, California. The approximately 3 acre (1.2 ha) study area was located north of Maury Avenue and east of Highway 14, T32S, R36E, a portion of the SE1/4 of the SE1/4 of the NE1/4 of Section 10, M.D.B.M. A line transect survey was conducted on 21 October 2017 to inventory biological resources. The proposed project area was characteristic of a creosote bush (*Larrea tridentata*) scrub plant community. A total of twenty-eight plant species and fifteen wildlife species or their sign were observed during the line transect survey. No desert tortoises (*Gopherus agassizii*) or their sign were observed during the field survey. No Mohave ground squirrels (*Xerospermophilus mohavensis*) were observed or audibly detected during the field survey. No burrowing owls (*Athene cunicularia*) or their sign were observed during the field survey. No sensitive plants, specifically, alkali mariposa lily (*Calochortus striatus*), desert cymopterus (*Cymopterus deserticola*), and Barstow woolly sunflower (*Eriophyllum mohanense*) are expected to occur within the study area due to lack of suitable habitat. Prairie falcons (*Falco mexicanus*) and other raptors may fly over the site but there are no nesting or roosting opportunities available within the study site. Vegetation within the study area provides potential nesting sites for migratory birds. No other state or federally listed species are expected to occur within the proposed project area. A braided ephemeral wash was observed within the study site.

Recommended Protection Measures:

Desert tortoises may occur adjacent to the study area, therefore the following desert tortoise protection measures are recommended:

All personnel working or using the site will receive an education program. Videos, brochures, books, and briefings may be used in the educational program. The education program will provide information on the natural history of the desert tortoise, its status, and protection measures to be followed during construction.

A qualified biological monitor will be present during construction activities at least until pre-construction surveys have demonstrated that desert tortoises are not present within the project area and a fence to exclude their entry into the site has been constructed.

Construction areas will be clearly fenced, flagged, or marked to delineate the outer boundaries and define the limit of work activities prior to the initiation of work. Construction areas include parking and equipment staging areas.

Preconstruction surveys will be conducted in work areas. Preconstruction surveys will be conducted by qualified biologists. If any desert tortoises are found during preconstruction surveys or during construction; all work will cease until the desert tortoise leaves the area of its own volition or appropriate permits are obtained to relocate the animal.

All workers will inspect underneath parked vehicles prior to operating them. If a desert tortoise is found beneath a parked vehicle, the vehicle will be left parked until the desert tortoise leaves of its own volition to a safe location.

Construction activities between dusk and dawn will not be permitted in areas supporting native vegetation.

At the end of each work day, all open excavations will be backfilled or otherwise altered to prevent desert tortoise from being trapped in them. While excavations remain open, a biological monitor will check for trapped desert tortoises and other wildlife at least three times each day.

All trash and food items will be promptly contained and regularly removed from work areas to reduce the attraction of common ravens (*Corvus corax*) and other desert tortoise predators to the area.

The vegetation within the study area offers potential nesting habitat for migratory birds. If possible, removal of vegetation will occur outside the breeding season for migratory birds. Nesting generally lasts from February to July but may extend beyond this time frame. If vegetation removal will occur during or close to the nesting season, a qualified biologist will survey all areas to be disturbed as close as possible but no more than one week prior to removal. If active bird nests are found, impacts to nests will be avoided by either delaying work or establishing initial buffer areas of a minimum of 50 feet (16 m) around active migratory bird species nests. The project biologist will determine if the buffer areas should be increased or decreased based on the nesting bird response to disturbances.

An area that has any of the following characteristics which will be impacted by development: distinct bed, bank, channel, signs of scouring, evidence of water flow, may require a Streambed Alteration Agreement from the CDFW prior to development activities. This project may require consultation with California Department of Fish and Wildlife to determine whether a Streambed Alteration Agreement is needed.

Significance: This project is not expected to result in a significant adverse impact to biological resources.

Development has been proposed for APN 225-013-25, California City, California (Figure 1). Development would include installation of access roads, parking and utilities (water, sewer, electric, etc.). The entire project area would be graded prior to construction activities.

An environmental analysis should be conducted prior to any development project. An assessment of biological resources is an integral part of environmental analyses (Gilbert and Dodds 1987). The purpose of this study was to provide an assessment of biological resources potentially occurring within, or utilizing the proposed project area. Specific focus was on the

presence/absence of rare, threatened and endangered species of plants and wildlife. Species of concern included the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), desert kit fox (*Vulpes macrotis*), burrowing owl (*Athene cunicularia*), prairie falcon (*Falco mexicanus*), desert cymopterus (*Cymopterus deserticola*), Barstow woolly sunflower (*Eriophyllum mohanense*), and alkali mariposa lily (*Calochortus striatus*).

Study Area

The approximately 3 acre (1.2 ha) study area was located north of Maury Avenue and east of Highway 14, T32S, R36E, a portion of the SE1/4 of the SE1/4 of the NE1/4 of Section 10, M.D.B.M. (Figures 2 and 3). Highway 14 and its easement consisting of creosote bush (*Larrea tridentata*) habitat, a dirt trail, and a barbed wire fence (approximately 85 feet (27 m) wide) formed the western boundary of the study area. Creosote bush scrub habitat occurred adjacent to all other sides of the study area.

Methods

A line transect survey was conducted to inventory plant and wildlife species occurring within the proposed project area (Cooperrider et al. 1986, Davis 1990). Line transects were walked in a north-south orientation. Line transects ranged from 220 to 845 feet (71 to 273 m) long and spaced 35 feet (11 m) apart (U.S. Fish & Wildlife Service 2010).

All observations of plant and animal species were recorded in field notes. Field guides were used to aid in the identification of plant and animal species (Arnett and Jacques 1981, Borror and White 1970, Burt and Grossenheider 1976, Gould 1981, Jaeger 1969, Knobel 1980, Robbins et al. 1983, Stark 2000). Observations were aided with the use of 10x50 and 10x42 binoculars. Observations of animal tracks, scat, and burrows were also utilized to determine the presence of wildlife species inhabiting the proposed project area (Cooperrider et al. 1986, Halfpenny 1986, Lowrey 2006, Murie 1974). Aerial photos, California Natural Diversity Database (Mojave NE, 2015), and USGS topographic map were reviewed. Photographs of the study site were taken (Figure 4).

Results

A total of 15 line transects were walked on 21 October 2017. Weather conditions consisted of warm temperatures (estimated 70 degrees F), 0% cloud cover, and moderate wind. Sandy loam surface soil texture was observed throughout the study area. No blue line streams were found on USGS topo maps. A braided ephemeral wash was observed within the study site (Figure 5). Topography of the study area ranged from approximately 2,599 to 2,609 feet (838 to 842 m) above sea level.

The proposed project area was characteristic of a creosote bush (*Larrea tridentata*) scrub habitat (Barbour and Major 1988). A total of twenty-eight plant species were observed during the line transect survey (Table 1). The dominant shrub species throughout the study area was

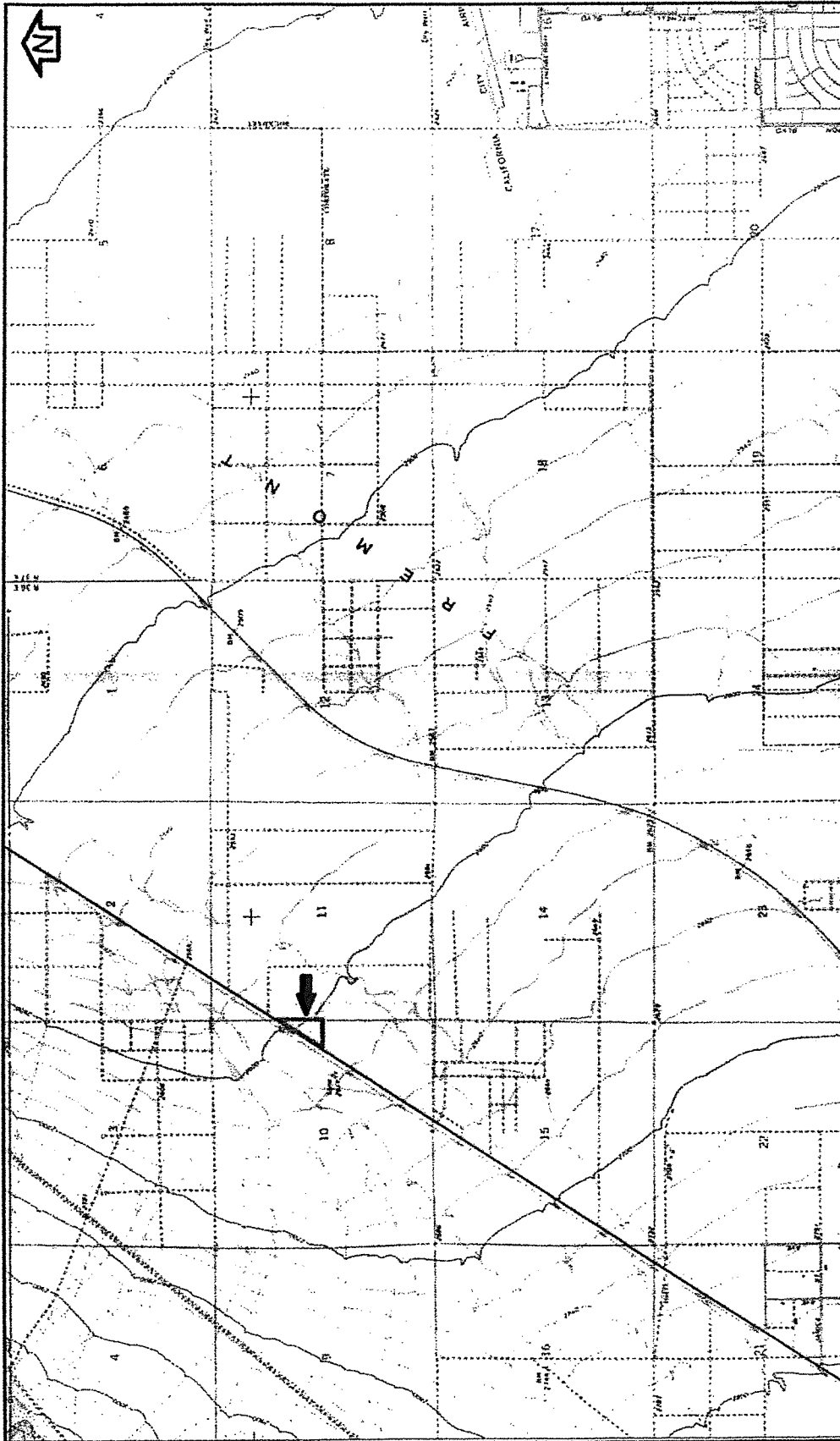


Figure 2. Approximate location of study area as depicted on excerpt from USGS Quadrangle, Mojave NE, Calif., 7.5' 1973.

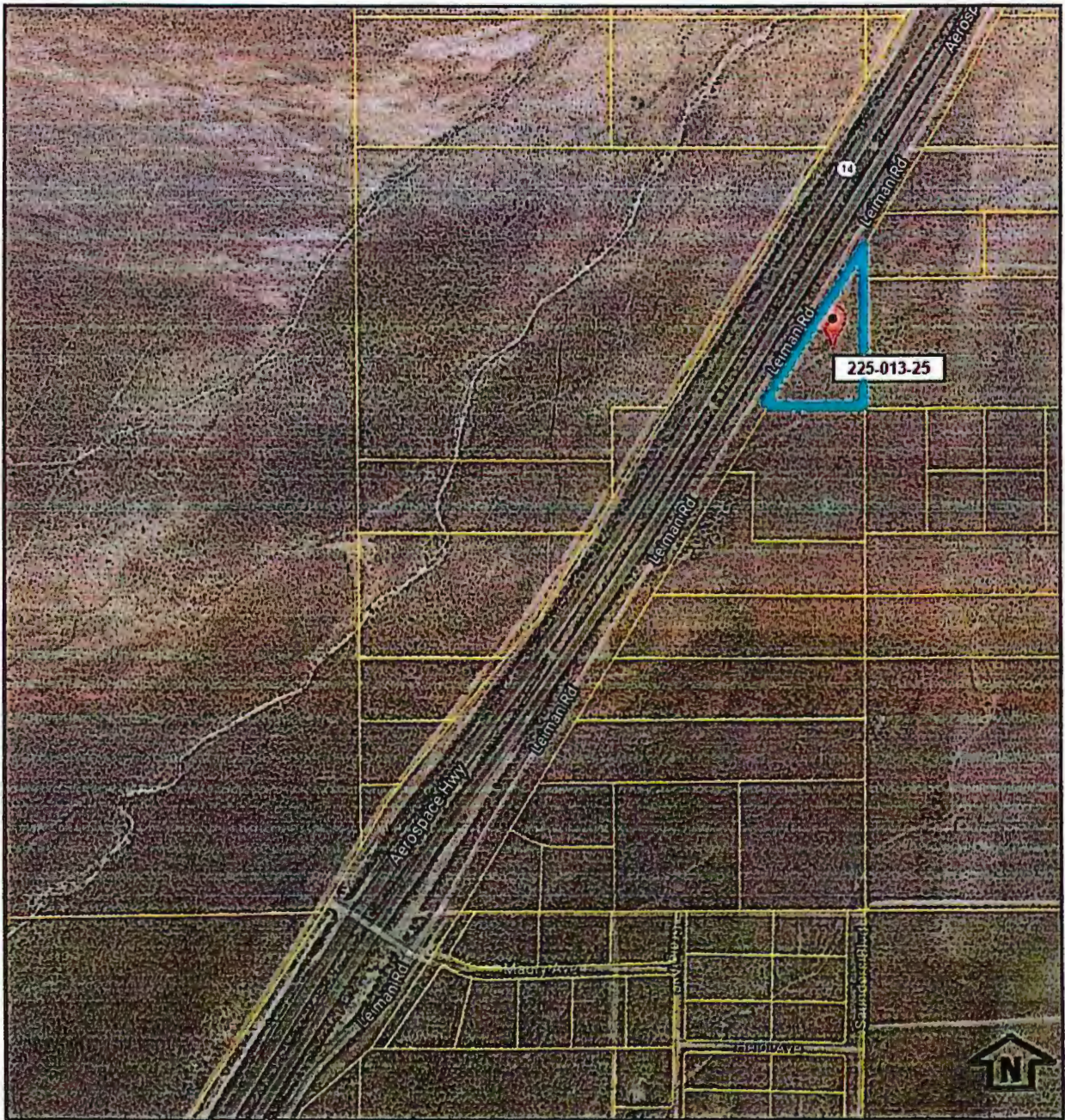


Figure 3. Aerial photo showing surrounding land use, 2017, Google Earth.



* Fenced? Does building dept have a Building Permit?

Figure 4. Photographs depicting the general habitat within the study site.



Figure 5. Aerial from Google Earth, 2017, depicting braided ephemeral wash.

Table 1. List of plant species that were observed during the line transect survey of APN 225-013-25, California City, California.

<u>Common Name</u>	<u>Scientific Name</u>
Joshua tree	<i>Yucca brevifolia</i>
Creosote bush	<i>Larrea tridentata</i>
Winterfat	<i>Eurotia lanata</i>
Mormon tea	<i>Ephedra nevadensis</i>
Four-wing saltbush	<i>Atriplex canescens</i>
Paper bag bush	<i>Salazaria mexicana</i>
Burrobush	<i>Ambrosia dumosa</i>
Peachthorn	<i>Lycium cooperi</i>
Anderson thorn	<i>Lycium andersonii</i>
Cotton thorn	<i>Tetradymia spinosa</i>
Felt thorn	<i>Tetradymia stenolepis</i>
Skeleton weed	<i>Eriogonum</i> sp.
Goldenhead	<i>Acamptopappus sphaerocephalus</i>
Woody bottlewasher	<i>Camissonia boothii</i>
Spineflower sp.	<i>Chorizanthe</i> sp.
Spotted buckwheat	<i>Eriogonum maculatum</i>
Turkey mullein	<i>Eremocarpus setigerus</i>
Snakeshead	<i>Malacothrix coulteri</i>
Gilia sp.	<i>Gilia</i> sp.
Fiddleneck	<i>Amsinckia tessellata</i>
Comet blazing star	<i>Mentzelia albicaulis</i>
Nevada blue grass	<i>Poa secunda</i>
Mustard sp.	Brassicaceae
Tumble mustard	<i>Sisymbrium altissimum</i>
Red brome	<i>Bromus rubens</i>
Cheatgrass	<i>Bromus tectorum</i>
Schismus	<i>Schismus</i> sp.
Red stemmed filaree	<i>Erodium cicutarium</i>

Mushroom

Kingdom: Fungi

creosote bush. *Schismus* (*Schismus* sp.) was the dominant annual species throughout the study area. No alkali mariposa lilies, Barstow woolly sunflowers, or desert cymopterus or suitable habitat for these species were observed within the study site.

A total of fifteen wildlife species, or their sign were observed during the line transect survey (Table 2). No desert tortoises or their sign were observed during the field survey. No burrowing owls or their sign were observed within the study site during the field survey. No bird nests were observed within the study area. No desert fox or their sign were observed during the field survey. No Mohave ground squirrels were detected visually or audibly during the field survey.

Sheep (*Ovis* sp.) grazing sign was observed within the study area. A small amount of scattered litter was observed within the study site.

Discussion

It is probable that some annual species were not visible during the time the field survey was performed. Based on the habitat, no sensitive plant species are expected to exist on the study site. Although not observed, several wildlife species would be expected to occur within the proposed project area (Table 3).

Human impacts to the area are expected to continue. Habitat in the general area will continue to become degraded and fragmented. Burrowing animals within the proposed project area are not expected to survive construction activities. More mobile species, such as lagomorphs (rabbits and hares), coyotes (*Canis latrans*), and birds are expected to survive construction activities. Development of this site will result in less cover and foraging opportunities for species occurring within and adjacent to the study area.

The desert tortoise is a state and federal listed threatened species. The proposed project area was located within the geographic range of the desert tortoise. The proposed project site was not located in critical habitat designated for the Mojave population of the desert tortoise. No desert tortoises or their sign were observed within the study area. Desert tortoises are not expected to inhabit the study area. Desert tortoises may occur in habitat adjacent to the study area.

Burrowing owls are considered a species of special concern by the California Department of Fish and Wildlife (CDFW). No burrowing owls or their sign were observed within the study area. No potential cover sites for burrowing owl were observed during the field survey.

Many species of birds and their active nests are protected under the Migratory Bird Treaty Act. Prairie falcons and other raptors may fly over the site but would not be expected to nest within the study area due to a lack of suitable nesting habitat. The vegetation within the study area offers potential nesting habitat for other migratory birds.

The Mohave ground squirrel (MGS) is a state listed threatened species. The proposed project site was located within the geographic range of the MGS. No MGS have been documented in the vicinity of the study area (California Natural Diversity Database 2015). Five

Table 2. List of wildlife species, or their sign, that were observed during the line transect survey of APN 225-013-25, California City, California.

<u>Common Name</u>	<u>Scientific Name</u>
Rodents	Order: Rodentia
Kangaroo rat	<i>Dipodomys</i> sp.
Antelope ground squirrel	<i>Ammospermophilus leucurus</i>
Desert cottontail	<i>Sylvilagus auduboni</i>
Black-tailed jackrabbit	<i>Lepus californicus</i>
Sheep	<i>Ovis</i> sp.
Common raven	<i>Corvus corax</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>
Black-eyed junco	<i>Junco hyemalis</i>
Side blotched lizard	<i>Uta stansburiana</i>
Butterfly (white)	Order: Lepidoptera
Dragonfly	Order: Odonata
Fly sp.	Order: Diptera
Ants, small, black	Order: Hymenoptera
Harvester ants	Order: Hymenoptera

Table 3. List of wildlife species that may occur within the study area, APN 225-013-25, California City, California.

<u>Common Name</u>	<u>Scientific Name</u>
Deer mouse	<i>Peromyscus maniculatus</i>
Coyote	<i>Canis latrans</i>
Le Conte's thrasher	<i>Toxostoma lecontei</i>
Mourning dove	<i>Zenaida macroura</i>
Northern mockingbird	<i>Mimus polyglottos</i>
Horned lark	<i>Eremophila alpestris</i>
Sage sparrow	<i>Amphispiza belli</i>
House finch	<i>Carpodacus mexicanus</i>
Leopard lizard	<i>Gambelia wislizenii</i>
Desert horned lizard	<i>Phrynosoma platyrhinos</i>
Western whiptail	<i>Cnemidophorus tigris</i>
Gopher snake	<i>Pituophis melanoleucus</i>
Mojave rattlesnake	<i>Crotalus scutulatus</i>
Bee	Order: Hymenoptera
Darkling beetle	<i>Coelocnemis californicus</i>
Spider sp.	Order: Araneida
Grasshopper	Order: Orthoptera
Ladybird beetle	<i>Hippodamia convergens</i>

winterfat (*Eurotia lanata*), and no spiny hopsage (*Grayia spinosa*) were found on the study site. These two species are considered important forage for MGS. Dr. Leitner (2008) determined that combined densities of winterfat and spiny hopsage greater than 250 to 300 per ha (2.5 acres) are associated with occupancy of MGS. Dr. Leitner postulated based on trapping surveys in the southern portion of the MGS range that densities < 24/ha of spiny hopsage and < 100/ha of winterfat on a site was considered poor forage and may be related to the absence of MGS. No wildlife corridors are expected to exist between the closest core MGS population and the project site. The farthest documented movement of MGS is 3.9 miles (Harris and Leitner 2005). The Little Dixie Wash, postulated by Dr. Leitner (2008) to be one of four core areas for MGS is located approximately 30 miles (48 km) to the northeast and the Desert Tortoise Natural Area, a recognized MGS population area, is located approximately 11 miles (17.7 km) to the east. Neither population area is considered to have immigration into this project site or the lands adjacent to the site. MGS reproduction appears to be tied to adequate rainfall and forage. In low rainfall years (e.g., less than 6.5 cm [2.6 in.]), they may forego breeding (MGSWG 2011), and breeding may not occur for several years during prolonged drought (Best 1995). Because of the small geographic range of the species, low rainfall can lead to reproductive failure throughout the range (MGSWG 2011, Dudek, 2012). Given the short life span of MGS, approximately 5 to 7 years, if too many years pass with less than 2.6 inches of rainfall this reproductive strategy may cause the extirpation of local populations. Rainfall measured over the last 6 years at Edwards AFB, the closest rainfall station registering data, was 2012: 1.5", 2013: 1.16", 2014: 1.75", 2015: 0.30", 2016: 1.63", and 2017: 2.51" (Armstrong Flight Research 2017). Though there has been rainfall close to the level needed in 2017, the timing is such that MGS reproduction would not have affected a change in their expected presence at this time. Based on these factors, the disturbance level and small size of the study site, Mohave ground squirrels are not expected to be present within the study area. No protection measures for MGS are recommended.

No suitable habitat for alkali mariposa lily, Barstow woolly sunflower or desert cymopterus was observed within the study site. Based on the results of the field survey these species are not expected to occur within the study area and no protection measures are recommended. No other state or federally listed species are expected to occur within the proposed project area (California Department of Fish and Wildlife 2015, Smith and Berg 1988, U.S. Fish & Wildlife Service 2016).

The braided ephemeral wash observed within the study area contained sparse vegetation and the same plant species as surrounding habitat. The wash originates off site, is very shallow with a sandy bottom and in portions of the wash contains various sizes of rocks. A complete delineation was not accomplished during the field survey.

Landscape design should incorporate the use of native plants to the maximum extent feasible. Native plants that have food and cover value to wildlife should be used in landscape design (Adams and Dove 1989). Diversity of native plants should be maximized in landscape design (Adams and Dove 1989).

Recommended Protection Measures:

Desert tortoises may occur adjacent to the study area, therefore the following desert tortoise protection measures are recommended:

All personnel working or using the site will receive an education program. Videos, brochures, books, and briefings may be used in the educational program. The education program will provide information on the natural history of the desert tortoise, its status, and protection measures to be followed during construction.

A qualified biological monitor will be present during construction activities at least until pre-construction surveys have demonstrated that desert tortoises are not present within the project area and a fence to exclude their entry into the site has been constructed.

Construction areas will be clearly fenced, flagged, or marked to delineate the outer boundaries and define the limit of work activities prior to the initiation of work. Construction areas include parking and equipment staging areas.

Preconstruction surveys will be conducted in work areas. Preconstruction surveys will be conducted by qualified biologists. If any desert tortoises are found during preconstruction surveys or during construction; all work will cease until the desert tortoise leaves the area of its own volition or appropriate permits are obtained to relocate the animal.

All workers will inspect underneath parked vehicles prior to operating them. If a desert tortoise is found beneath a parked vehicle, the vehicle will be left parked until the desert tortoise leaves of its own volition to a safe location.

Construction activities between dusk and dawn will not be permitted in areas supporting native vegetation.

At the end of each work day, all open excavations will be backfilled or otherwise altered to prevent desert tortoise from being trapped in them. While excavations remain open, a biological monitor will check for trapped desert tortoises and other wildlife at least three times each day.

All trash and food items will be promptly contained and regularly removed from work areas to reduce the attraction of common ravens (*Corvus corax*) and other desert tortoise predators to the area.

The vegetation within the study area offers potential habitat for migratory birds. If possible, removal of vegetation will occur outside the breeding season for migratory birds. Nesting generally lasts from February to July but may extend beyond this time frame. If vegetation removal will occur during or close to the nesting season, a qualified biologist will survey all areas to be disturbed as close as possible but no more than one week prior to removal. If active bird nests are found, impacts to nests will be avoided by either delaying work or establishing initial buffer areas of a minimum of 50 feet (16 m) around active migratory bird species nests. The project biologist will determine if the buffer areas should be increased or decreased based on the nesting bird response to disturbances.

An area that has any of the following characteristics which will be impacted by development: distinct bed, bank, channel, signs of scouring, evidence of water flow, may require a Streambed Alteration Agreement from the CDFW prior to development activities. This project may require consultation with California Department of Fish and Wildlife to determine whether a Streambed Alteration Agreement is needed.

Significance: This project is not expected to result in a significant adverse impact to biological resources.

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

April 5, 2018

Anu Doravari
California City
21000 Hacienda Boulevard
California City, CA 93505-2293

Subject: Initial Study, Negative Declaration, and Zone Change 190
SCH#: 2018031014

Dear Anu Doravari:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 4, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018031014
Project Title Initial Study, Negative Declaration, and Zone Change 190
Lead Agency California City

Type Neg Negative Declaration
Description The project proposes to rezone 3.13 acres of vacant desert land to C5 regional commercial for the purpose of a recreation vehicle sales lot.

Lead Agency Contact

Name Anu Doravari
Agency California City
Phone (760) 373-7141 **Fax**
email
Address 21000 Hacienda Boulevard
City California City **State** CA **Zip** 93505-2293

Project Location

County Kern
City California City
Region
Lat / Long 35° 16' 27" N / 118° 09' 31" W
Cross Streets East of CA SR 14
Parcel No. 225-013-25
Township 32 **Range** 36E **Section** 10 **Base** MDBM

Proximity to:

Highways 14
Airports
Railways
Waterways
Schools
Land Use O/RA Open space/res ag

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Noise; Minerals; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Water Quality

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 9; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 03/06/2018 **Start of Review** 03/06/2018 **End of Review** 04/04/2018

DEPARTMENT OF TRANSPORTATION

DISTRICT 9

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Making Conservation
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MAR 23 2018

STATE CLEARINGHOUSE

March 23, 2018

Ms. Anu Doravari
California City Planning Department
21000 Hacienda Blvd.
California City, California 93505

File: KER-14-24.25
IS/ND
SCH #: 2018031014

Zone Change 190 – Initial Study/Negative Declaration (IS/ND) for a Recreational Vehicle Sales Lot

Dear Ms. Doravari:

Thank you for giving the California Department of Transportation (Caltrans) District 9 the opportunity to review the proposed zone change to allow a vehicle sales lot, convenience store, and retail space abutting State Route (SR) 14. We appreciate the information shared during our telephone conversation today and offer the following:

- Caltrans has no concerns with the zone change itself.
- Please ensure the project proponent is aware that the two access points at SR 14, as depicted on the provided conceptual, site plan are not permissible. State Route 14 is a controlled access expressway, so no driveways are allowed through access control areas. Access control is depicted as hatch marks on the enclosed Right-of-Way (R/W) Record maps. Project access will need to be via the frontage road areas (labeled Leiman Rd on Google Earth) to the divided highway intersections northerly at postmile 24.888, and southerly at postmile 23.664. These locations are noted on the respective R/W maps. Use of easements defined on adjacent parcel maps may be necessary.
- When a detailed site plan is available, we will be able to further comment. Other items to address are no additional stormwater onto State R/W, dust control during construction, and utility connections. It may be appropriate to condition the project to pave the frontage road.

We value our cooperative working relationship with California City on projects affecting the State Transportation System. Please contact me at (760) 872-0785, with any questions.

Sincerely,

A handwritten signature in cursive script, reading "Gayle J. Rosander".

GAYLE J. ROSANDER
External Project Liaison

Enclosures

c: State Clearinghouse
Mark Reistetter, Caltrans



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 6, 2018

Anu Doravari
Planning Division
City of California City
21000 Hacienda Boulevard
California City, California 93505

**Subject: Initial Study (IS) and Negative Declaration (ND);
Zone Change 190 and General Plan Amendment 190 (Project)
SCH No. 2018031014**

Dear Anu Doravari:

The California Department of Fish and Wildlife (CDFW) received a notice of completion regarding an ND from The City of California City for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. Although the comment period for your request has passed, CDFW would appreciate if you would still consider the following comments.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. For example, as proposed, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

CDFW also has jurisdiction over furbearing mammals pursuant to Title 14, California Code of Regulations, § 460. This Section states, "Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time"; therefore, CDFW cannot authorize their take.

PROJECT DESCRIPTION SUMMARY

Proponent: Deborah Vaupen

Objective: The Project is proposing to rezone approximately 3.13 acres of vacant desert land from O/RA Open Space / Residential Agriculture to C5 Regional Commercial to accommodate a future recreational vehicle sales lot, a convenience store, and other retail commercial spaces for rent.

Location: The Project site is comprised of 3.13 acre vacant land located east of California State Route Highway 14 in Section 10, Township 32 South, Range 36 East, Latitude 35.1627, Longitude -118.0931 in the City of California City, County of Kern, California; Assessor's Parcel Number 225-013-25.

Timeframe: None specified.

In review of the IS and ND for the Project, CDFW provides the following comments as the Project site is within Mojave desert habitat. This habitat type has the potential to support the State-listed threatened desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xeropspermophilus mohavensis*), the State species of special concern

burrowing owl (*Athene cunicularia*) and American badger (*Taxidea taxus*), the State protected furbearing mammal desert kit fox (*Vulpes macrotis macrotis*), and Charlotte's phacelia (*Phacelia nashiana*). Therefore, the Project has the potential to significantly impact biological resources and the ND does not outline mitigation measures to reduce those impacts to biological resources to a level that is less than significant. CDFW recommends that additional biological surveys be conducted by a qualified biologist and that the results of these surveys be used to inform the analysis of impacts to resources and to provision suitable avoidance, minimization, and mitigation measures to reduce impacts to less than significant levels.

CDFW recommends that a detailed IS describing the future construction Project, its location, its potential impacts, and specific mitigation measures be prepared. If the results of that IS indicate significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, a Mitigated Negative Declaration (MND) would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific and clearly defined and cannot be deferred to a future time. The specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation, when an Environmental Impact Report (EIR) is prepared. Regardless of whether an MND or EIR is prepared, CDFW recommends that the Project's CEQA document provide quantifiable and enforceable measures as needed that will reduce impacts to less than significant levels.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist California City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. As requested, CDFW is providing recommendations on the scope and content of the ND prepared for the Project. Editorial comments or other suggestions may also be included to improve the document.

Desert Tortoise: The proposed Project site is within desert tortoise range, a species listed as threatened pursuant to CESA, has been documented within one mile of the Project site and suitable habitat exists within the Project site (CDFW 2018). Potentially significant impacts that may result from Project-related activities include loss of foraging habitat, burrow destruction, and direct mortality. Any take of desert tortoise without appropriate take authorization would be a violation of Fish and Game Code.

To evaluate potential Project-related impacts, CDFW recommends that a qualified wildlife biologist conduct surveys during the appropriate survey period following the protocol contained in "Preparing for any action that may occur within the range of the

Mojave desert tortoise (*Gopherus agassizii*) (USFWS 2010). CDFW advises that survey results be submitted to both CDFW and the United States Fish and Wildlife Service (USFWS). Consultation with CDFW and USFWS to develop avoidance, minimization, and mitigation measures is recommended if surveys indicate the presence or potential presence of desert tortoise. If take could occur as a result of Project implementation, acquisition of an Incidental Take Permit (ITP) pursuant to Fish and Game Code § 2081(b) is necessary prior to initiating any ground-disturbing activities to comply with CESA. Alternatively, the Project proponent has the option of assuming presence for this species and securing an ITP, which would authorize incidental take of State-listed species during Project implementation.

Mohave Ground Squirrel (MGS): The proposed Project site is within MGS range, a species listed as threatened pursuant to CESA, has been documented within four miles of the Project site, and suitable habitat exists within the Project site (CDFW 2018). Potentially significant impacts that may result from Project-related activities include loss of foraging habitat, burrow destruction, and direct mortality. Any take of MGS without appropriate take authorization would be a violation of Fish and Game Code.

In order to implement full avoidance for MGS, CDFW recommends that a 50-foot no-disturbance buffer be employed around all burrows that could be used by MGS. If this is not feasible, CDFW advises that a qualified permitted biologist conduct protocol surveys for MGS following the methods described in the "Mohave Ground Squirrel Survey Guidelines" (CDFG 2003) at all Project-related impact areas during the appropriate survey season prior to Project implementation. CDFW recommends that the results of the MGS surveys be submitted to CDFW and that consultation with CDFW occurs to develop avoidance, minimization, and mitigation measures. If take could occur as a result of Project implementation, acquisition of an ITP pursuant to Fish and Game Code § 2081(b) is necessary prior to initiating any ground-disturbing activities to comply with CESA. Alternatively, the Project proponent has the option of assuming presence for this species and securing an ITP, which would authorize incidental take of State-listed species during Project implementation.

Burrowing Owl: Burrowing owl, a State Species of Special Concern, has been documented within three miles of the Project site and suitable habitat exists within the Project site (CDFW 2018). Impacts to burrowing owls due to Project activities may include adult abandonment of the nest, causing eggs or young to be directly impacted (crushed), and/or resulting in reproductive failure.

To avoid impacts to the species, CDFW recommends that focused surveys be conducted following the survey methodology developed by the California Burrowing Owl Consortium (CBOC 1993) well in advance of any ground disturbance associated with Project construction as well as a 10-day prior to disturbance pre-construction survey effort. If any ground-disturbing activities will occur during the burrowing owl nesting

season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) (Staff Report) recommends that impacts to occupied burrows be avoided by implementation of no-disturbance buffer zones, as described in the table below, unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

If the Project proponent proposes to evict burrowing owls that may be present, CDFW recommends passive relocation during the non-breeding season only. CDFW recommends that the CEQA document describe all avoidance measures that would be employed in the event that owls are found on the Project site, as well as methods that would be used to evict owls from burrows. CDFW also recommends that the CEQA document specify how the impact of evicting owls would be mitigated to a less than significant level.

The Staff Report recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. CDFW also recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting a burrowing owl if a biologist knowledgeable with the biology and natural history of the species determines that suitable burrows are a potential limiting factor for the species.

American Badger: American badger, a State Species of Special Concern, has been documented within four miles of the Project site and suitable habitat exists within the Project site (CDFW 2018). CDFW recommends species-specific focused surveys, conducted by qualified biologists, in advance of project implementation in order to evaluate if impacts to American badger could occur. Avoidance of American badger whenever possible is encouraged via delineation and observing appropriate no-disturbance buffers. In addition, CDFW recommends that if a badger is detected within a project work area during project activities, it be allowed to move out of the work

area of its own volition. If an American badger is found denning on or immediately adjacent to a project work area, consultation with CDFW is advised to determine whether the animal(s) may be evicted from the den. CDFW recommends fully addressing avoidance, minimization, and mitigation measures for American badger and that these measures be included as enforceable mitigation in the CEQA document.

Protected Furbearing Mammals: The proposed Project site is within desert kit fox range and has potential habitat for the species; as such, the Project has the potential to impact this species through direct take and/or destruction of dens. The desert kit fox is protected under Title 14, California Code of Regulations, Section 460, which prohibits take of the species at any time. CDFW recommends that the avoidance measures within the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) be followed and that surveys be conducted accordingly and prior to commencing any Project-related ground-disturbing activities, including temporary use activities. If any active or potential dens are found on the Project site during these surveys, consultation with CDFW would be warranted for guidance on take avoidance measures for the desert kit fox.

Special-Status Plant Species: There is potential for special-status plant species to occur on or adjacent to the Project site. CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFW, 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys might be necessary. Further, CDFW recommends that special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW may be warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State-listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW be conducted to determine permitting needs.

Nesting Birds: The shrubs and grasses within and in the vicinity of the Project site likely provides nesting habitat for birds. CDFW encourages Project implementation to occur during the avian non-nesting season. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. If Project activities must occur during the breeding season (February through mid-September), the Project proponent is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Code Sections.

Prior to work commencing, including staging, clearing, and grubbing, surveys for active nests should be conducted by a qualified wildlife biologist no more than 10 days prior to Project commencement and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and CDFW consulted for additional avoidance and minimization measures.

If active nests are found and a monitor is not feasible, CDFW recommends implementing a minimum 250-foot no-disturbance buffer around active nests of non-listed bird species and a 500-foot no-disturbance buffer around the nests of non-listed raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended CDFW be notified in advance of implementation of a no disturbance buffer variance.

Streambed Alteration: Ephemeral streams intersect the Project area. Construction activities associated with the Project could impact these waterways including, but not limited to, temporary changes in grades and drainage patterns, sedimentation and pollution resulting from construction activities, and erosion of stockpiles and areas that have been cleared and grubbed. As a result, Project activities include potential substantial changes to the bed, bank, and channel of features that are jurisdictional pursuant Fish and Game Code § 1600 et seq., therefore notification is warranted. Fish & Game Code § 1600 et seq. requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. CDFW is required to comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593.

Editorial Comments and/or Suggestions

CDFW also recommends consulting with USFWS on potential impacts to federally listed species including, but not limited to, desert tortoise. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with USFWS in order to comply with FESA is advised well in advance of Project implementation.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and NDs be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

If it is determined the Project would have an impact on fish and/or wildlife, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the ND for Zone Change 190 and General Plan Amendment 190 to assist the City of California City in identifying and mitigating Project impacts on biological resources. CDFW understands that the comment period for the Project has closed, however, CDFW is respectfully requesting the above recommendations be taken into consideration.

Anu Doravari
California City
April 6, 2018
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More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Craig Bailey, Senior Environmental Scientist (Supervisor), at the address provided on this letterhead, by telephone at (559) 243-4014 extension 227, or by electronic mail at Craig.Bailey@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

cc: Ray Bransfield
United States Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003

REFERENCES

- CBOC, 1993. Burrowing Owl Survey Protocol and Mitigation Guidelines. California Burrowing Owl Consortium, April 1993.
- CDFG, 2003. Mohave Ground Squirrel Survey Guidelines. California Department of Fish and Game, January 2003.
- CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game, March 2012.
- CDFW, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. California Department of Fish and Wildlife, March 2018.
- CDFW, 2018. California Natural Diversity Database (gov ed) [ds 45]. Retrieved April 3, 2018 from Biogeographic Information and Observation System (BIOS) Viewer 5.62.14.
- USFWS, 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). United States Fish and Wildlife Service, January 2010.
- USFWS, 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. United States Fish and Wildlife Service, January 2011.

RESOLUTION NO. 07-24-2748

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY
APPROVING A RESOLUTION AMENDING THE GENERAL PLAN DESIGNATION OF AN AREA FROM
OPEN SPACE RESIDENTIAL AGRICULTURAL (O/RA) TO REGIONAL COMMERCIAL (C5)
(Deborah Vauhen / GPA 190)

The City Council of the City of California City does resolve as follows:

Section 1. A Negative Declaration of Environmental Impacts prepared for this project has been approved via City Council Resolution No. 07-24-2747 .

Section 2. The City Council of the City of California City finds and determines that:

- A. The City Council has considered a General Plan Amendment (GP 190) to change the land use designation of approximately 3.13 acre parcel located approximately 4.5 miles north of California City Boulevard and east of State Highway 14 from Open Space, Agriculture or Residential to Regional Commercial.
- B. The City Council has considered the effect of the approval of this General Plan Amendment on the housing needs of the region and balanced those needs against the public service needs of its residents and available fiscal and environmental resources.
- C. The proposed General Plan Amendment is consistent with the goals and policies of the adopted general plan, including the housing element.
- D. The area is physically suited for the land uses allowed by the proposed amendment in terms of topography and availability of services.
- E. The circulation and land uses allowed by the proposed amendment are compatible with land uses existing and permitted on properties in the vicinity, providing the properties are developed in accordance with the policies and requirements of the California City General Plan and applicable zoning and subdivision ordinances.
- F. The circulation and land uses allowed by the proposed amendment, and their intensity, are not likely to create serious health problems or nuisances on properties in the vicinity.
- G. The land uses and circulation allowed by the proposed amendment are consistent with and implement the goals and policies of the California City General Plan, including the Housing Element.

Section 3. The City Council approves the General Plan Amendment (GP 190), as shown in Exhibit 1, attached hereto and by this reference incorporated herein.

PASSED AND ADOPTED this 24th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Wood, Mayor

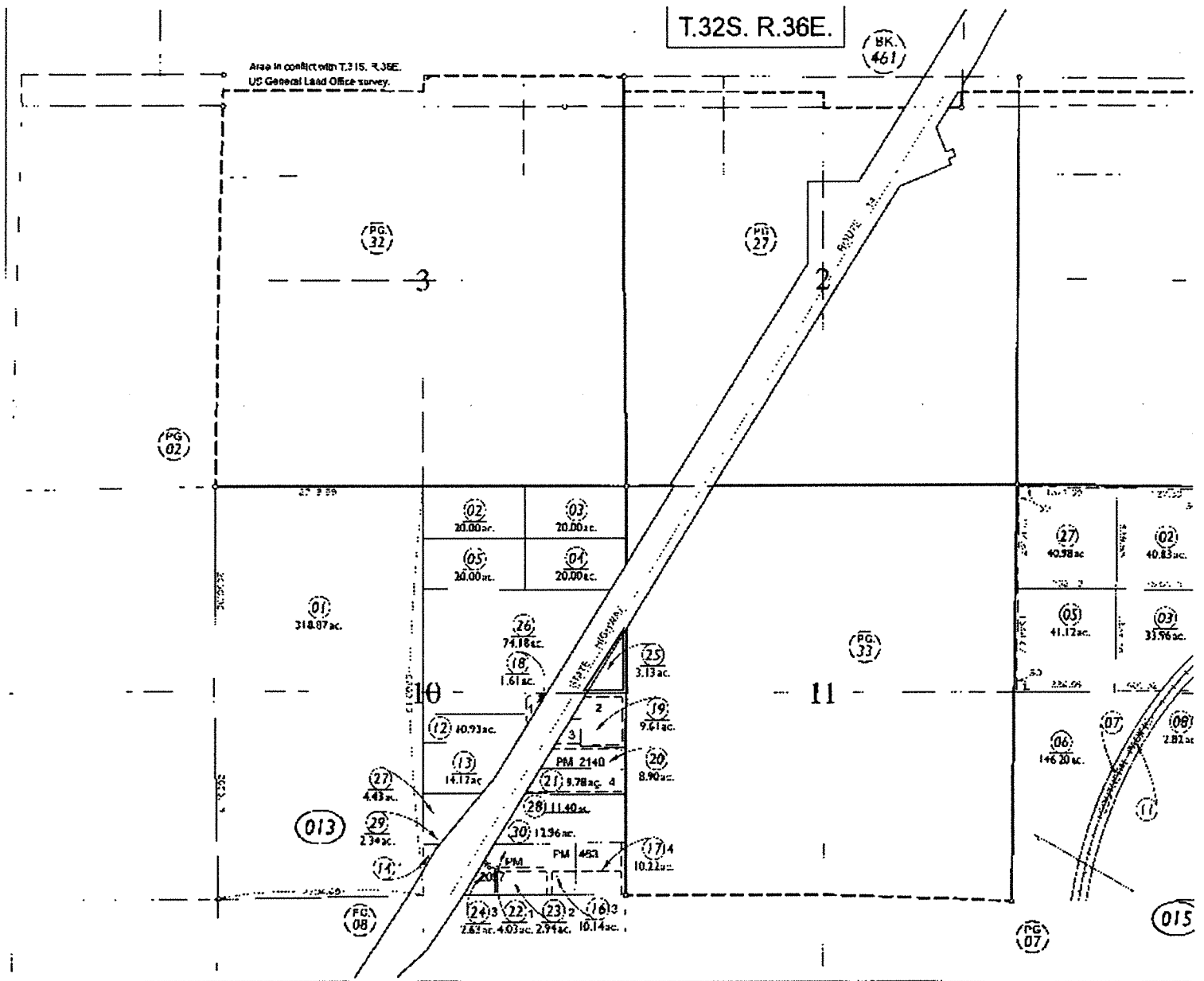
ATTEST:

Denise Hilliker, City Clerk

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Reso. No. 07-27-2748

EXHIBIT 1



ORDINANCE NO. 18-763

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY
REZONING A 3.13 ACRE PARCEL LOCATED 4.5 MILES NORTH OF CALIFORNIA CITY BOULEVARD
ON THE EAST SIDE OF STATE HIGHWAY 14 FROM OPEN SPACE RESIDENTIAL AGRICULTURAL
(O/RA) TO REGIONAL COMMERCIAL ZONE (C5)
(Vauhpen Property /Zone Change No. 190)**

THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DOES ORDAIN AS FOLLOWS:

- 1. Findings.** The council finds, determines and declares:
 - a. A duly-noticed public hearing has been conducted by the Planning Commission and by the City Council to consider the zone change set forth herein.
 - b. This zone change will not result in any significant adverse environmental impacts at this time, however construction phase will require a detailed initial study and subsequent studies as required.
 - c. This zone change will promote the welfare of the community.
 - d. The proposed General Development Plan and Rezone are consistent with and implement the policies of the City of California City's General Plan, including the Housing Element.
 - e. The land uses, and their density and intensity, allowed in the proposed General Development Plan and Rezone are not likely to create serious health problems or create nuisances on properties in the vicinity.
 - f. The City Council has considered the effect of the proposed General Development Plan and Rezone on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.
 - g. The area is physically suited to the uses authorized in the proposed general development plan and zoning.
 - h. The proposed General Development Plan and Rezone are compatible with the land uses existing and permitted on the properties in the vicinity.
 - i. The Planning Commission approved the proposal by Resolution No. 03-27-2018 ZC 190
 - j. The City Council properly noticed a public hearing for the July 24, 2018 regular City Council meeting.
- 2. Property Description.** The property affected by this ordinance (herein "subject property") is APN 225-013-25. The subject property consists of approximately 3.13 acres located approximately 4.5 miles north of California City Boulevard on the east side of State Highway 14 in Section 10, Township 32, Range 36, Latitude 35.1627, Longitude -118.0931 in the City of California City, County of Kern, CA 93505. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128).
- 3. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.
- 4. Zoning Amendment.** This Zone Change No. 190 hereby rezones the subject property from (O/RA) – Open-Space, Residential or Agriculture to Regional Commercial (C5), and the City's zoning map will be revised accordingly.
- 5. Negative Declaration.** A Negative Declaration of Environmental Impacts prepared for this project has been approved via City Council Resolution No. **07-24-2747**. The Council finds that there is no reasonable basis to conclude that the future potential development of the subject property will cause a significant environmental effect that would not be mitigated to a less than significant impact.
- 6. Severability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

7. **Publication.** Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the newspaper of official record for the City. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the newspaper of official record for the City, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

This ordinance was introduced at the City Council meeting of July 24, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jennifer Wood, Mayor

APPROVED AS TO FORM:

Christian Bettenhausen, City Attorney

ATTEST:

Denise Hilliker, City Clerk

[SEAL]

EXHIBIT B

CITY OF CALIFORNIA CITY STAFF REPORT

TO: Planning Commission

FROM: Public Works Director

MEETING DATE: March 27, 2018

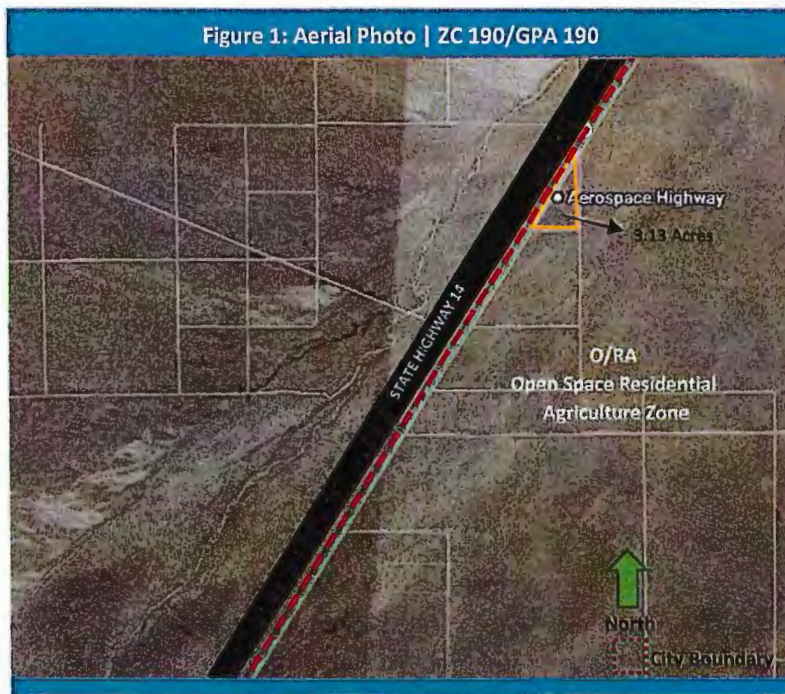
SUBJECT: Public Hearing to consider recommending the Approval of an Initial Study, Negative Declaration, and General Plan Amendment 190, (GPA 190) and the Adoption of Zone Change 190, (ZC 190) for Deborah Vaupen, 1004 Pacific Street, Santa Monica, CA 90405.

The project proposes to certify a Negative Declaration per CEQA in order to Rezone and Amend the General Plan for one vacant 3.13 acre parcel from O/RA Open Space Residential Agricultural to C5 Regional Commercial. The property is located adjacent to State Highway 14 and may be identified as APN 225-013-25.

PLANNING COMMISSION ACTION:

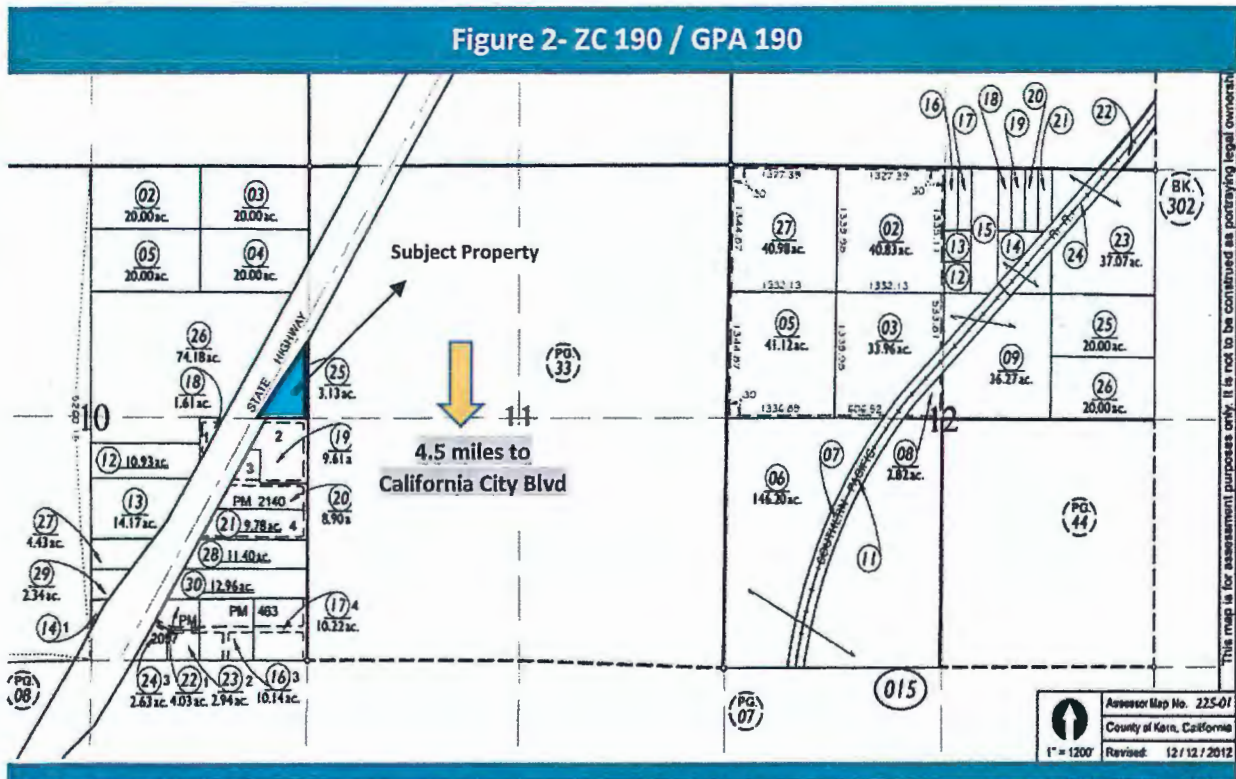
The City staff recommends that the Planning Commission recommend that the City Council:

- 1) Certify the Negative Declaration,
- 2) Adopt Zone Change #190, and
- 3) Approve General Plan Amendment #190.



PROJECT DESCRIPTION

The applicant proposes to rezone one 3.13 acre vacant parcel from O/RA to C5 Regional Commercial. The property lies adjacent to State Highway 14 at the western boundary of California City. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128). The property is located approximately 4.5 miles north of California City Boulevard on the east side of State Highway 14.

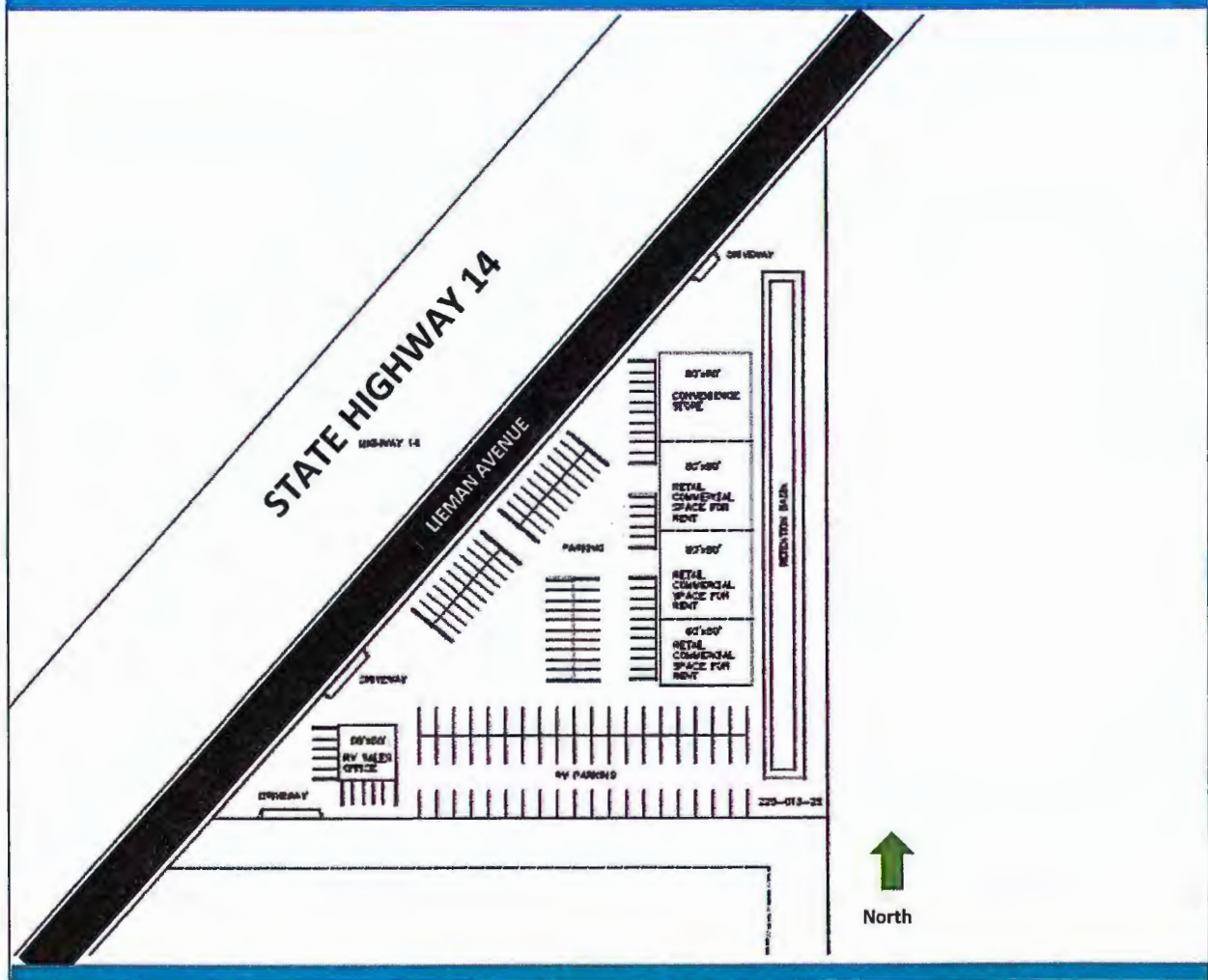


BACKGROUND:

Zone Change 190 is necessary to rezone approximately 3.13 acres from O/RA Open Space/Residential Agricultural to C5 Regional Commercial for the purpose of creating a Regional Commercial Center. The O/RA Zone District is limited with regard to the extent of urbanization that may occur. The purpose of the Open Space, ("O") Zone District is to provide for the preservation and conservation of unique natural resource lands, protection and preservation of unique wildlife resources and habitats, protection against flooding by storm water in flood prone areas and the establishment of active and passive recreational uses. The Residential/Agricultural ("RA") District provides living area which combines the advantages of urban and rural location by limiting development to very low density one-family dwellings and permitting animals and fowl to be kept for pleasure or hobbies.

The R5 - Regional Commercial District as designated in the General Plan is intended for the exclusive establishment of commercial uses serving the region and traveling public and emergency shelters. While the applicant has not committed to a specific development proposal of the land, conceptual site plans, (please see Figure 3) have been submitted. The conceptual site plan proposes 2, 500 sq.ft. for an RV Sales office; 17, 600 sq.ft. for a retail commercial space and 6,400 sq. ft. for a convenient store.

Figure 3 – Conceptual Site Plan for ZC 190



On February 23, 2018 a Notice of Intent to consider this a Negative Declaration, Zone Change and General Plan Amendment was published in the *Mojave Desert News*. Further, property owners owning land within 300' of the project site received a notice of this public hearing.

The staff is recommending that the Land Use Element of the General Plan for the project site also be amended from O/RA Open Space, Residential or Agriculture to C5 – Regional Commercial. Amending the General Plan is most appropriate because the City utilizes one map for both the Zoning Ordinance and General Plan. Also, State Law requires that the Zoning Districts be consistent with the General Plan land use designations. There is a matrix within the General Plan indicating that Controlled Development, Public Parks & Recreation or Public Schools to be consistent with C-5 subject to a determination that it is “conditionally compatible.” It would be preferred that the General Plan land use designation be amended to R5 - Regional Commercial District because there is no gray area regarding compatibility.

ENVIRONMENTAL ACTION: Following review and approval by the Planning Commission an Initial Study and Negative Declaration for Zone Change 190 and General Plan amendment 190 will be submitted

to the State Clearinghouse for a 30-day review period. Following this review period, the Zone Change and General Plan Amendment will be forwarded to the City Council for final adoption and approval.

RECOMMENDATION: That the Planning Commission approve the Draft Resolution, (*Attachment 1*) Recommending Approval of ZC 190 and GPA 190.

Attachments:

- 1) Draft Planning Commission Resolution*
- 2) Initial Study and Negative Declaration*

Attachment 1

PLANNING COMMISSION RESOLUTION NO. 03-27—2018 ZC 190

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY
RECOMMENDING THE ADOPTION OF ZONE CHANGE NO. 190 & GENERAL PLAN
AMENDMENT 190 TO REZONE 3.13 ACRES OF LAND FROM OPEN SPACE/RESIDENTIAL
(O/RA) TO REGIONAL COMMERCIAL (R5)**

**THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY DOES ORDAIN
AS FOLLOWS:**

Findings.

The Planning Commission, determines and declares:

- (a) A duly-noticed public hearing has been conducted by the Planning Commission to consider the Zone Change and General Plan Amendment set forth herein.
- (b) This Zone Change and General Plan Amendment will not result in any significant adverse environmental impacts that will not be mitigated to less than a significant impact.
- (c) This Zone Change and General Plan Amendment will promote the welfare of the community.
- (d) This Zone Change and General Plan Amendment is consistent with the general plan and zoning regulations.

Property Description.

The property comprising the project site affected by this recommended Ordinance and General Plan Amendment (herein “subject property”) is located along the western most boundary of California City and may be identified as APN: 225-013-25 (3.13 acres).

Now therefore, after reviewing the City’s initial study and proposed Negative Declaration, the Planning Commission hereby recommends that the City Council adopt an amendment to the Zoning Map and approve an amendment to the General Plan Land Use Map to change the Zoning Designation and General Plan land use Designation from O/RA to C5 upon the subject property.

Upon motion by Commissioner _____, seconded by
Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)
NOES: Commissioner(s)
ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

CITY COUNCIL

July 24, 2018

TO: Mayor and City Council

FROM: Robert Stockwell, City Manager

SUBJECT: Amendments to Cannabis Business Ordinances

BACKGROUND: Staff presented proposed changes to the current medical cannabis ordinances at the June 12, 2018 Council meeting and the Council voted to refer the zoning portions of the proposed amendments to the Planning Commission for a public hearing and recommendation and prepare the remaining portions of the ordinance for first reading at a subsequent Council meeting. The Planning Commission met on July 17, 2018 to approve the recommended amendments. The zoning portions of the ordinance will be presented to the Council on August 12, 2018 in a public hearing to consider amending the pertinent portions of the Municipal Code.

The attached Ordinance would repeal and amend Title 5, Chapter 6, Medical Cannabis Related Businesses and Activity. We have also attached the redlined version of the ordinance highlighting the changes that were added at the June 12, 2018 Council meeting.

The most significant amendments eliminate any terminology that would restrict the cultivation, manufacturing, distribution, dispensing or sale of cannabis product to medical cannabis. Under the proposed amendments anyone desiring to operate a cannabis business in California City must meet all of the requirements imposed by State laws and regulations and be in full compliance with California City ordinances and regulations. The amendments also authorize two (2) storefront retail dispensaries and two (2) delivery only retail dispensaries.

RECOMMENDATION: That the City Council receive and discuss the proposed amendments, consider any changes and introduce the first reading of the Ordinance, by title only, and schedule for second reading and adoption on August 14, 2018.

FISCAL AND ENVIRONMENTAL IMPACT: These amendments should lead to increased revenues and the expansion of the cannabis industry in California City.

CHAPTER 6. - REGULATION OF CANNABIS RELATED BUSINESSES AND ACTIVITY.

ARTICLE 1. - GENERAL PROVISIONS

Sec. 5-6.101. - Purpose and Intent.

Cannabis Businesses and Cannabis Dispensaries shall be permitted, in accordance with the criteria and procedures set forth in this code, upon application and approval of a regulatory permit pertaining to the operation of the facility. It is the purpose and intent of this Chapter to provide opportunities for cannabis businesses to operate in the City, while imposing regulations on the use of land to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing, processing, testing, transporting, delivery, dispensing, and distribution of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of California City, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required in order to own and/or to operate a cannabis business within California City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county or other law.

Sec. 5-6.102. - Legal Authority; Application of this Chapter to Cannabis Dispensaries.

- (a) Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" ("MAUCRSA") (and as the same may be amended from time to time), the City of California City is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of California City to cannabis, and/or cannabis-related activity.
- (b) All provisions of this Chapter shall apply to both Cannabis Businesses and Cannabis Dispensaries, except for the provisions specifically addressing Cannabis Dispensaries set forth in this Chapter, in which case the specific provisions related to Cannabis Dispensaries will control.

Sec. 5-6.103. - Cannabis Cultivation and Cannabis Business Activities Prohibited Unless Specifically Authorized by This Chapter.

Except as specifically authorized in this Chapter, the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, delivery, or sale of cannabis or a cannabis product is expressly prohibited in the City of California City.

Sec. 5-6.104. - Compliance with Laws.

It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder, and any specific additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate federal, state law or local law with respect to the operation of a cannabis business.

ARTICLE 2. - DEFINITIONS

Sec. 5-6.201. - Words and Terms Defined.

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated

thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) "Cannabis" means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (b) "Cannabis business activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis or a cannabis product, within the meaning of California Business and Professions Code 19300 et seq.
- (c) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- (d) "Cannabis Business" means the businesses of commercial cannabis cultivation, cannabis manufacturer, cannabis testing laboratory, and cannabis distributor.
- (e) "Cannabis business permit" means a regulatory permit issued by the City of California City pursuant to this Chapter to a cannabis business and is required before any cannabis activity may be conducted in the City. The initial permit and annual renewal of a cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City governing the cannabis activity at issue, compliance with any conditions of approval placed on the use of the Cannabis Business site, and payment of all fees, taxes and any other amounts owed to the City related to the Cannabis Business Activity.
- (f) "Cannabis Dispensary Permit" means a regulatory permit issued by the City of California City pursuant to this Chapter to a cannabis dispensary and is required before any cannabis dispensing activity may be conducted in the City. The initial permit and annual renewal of a cannabis dispensary permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City governing the cannabis activity at issue, compliance with any conditions of approval placed on the use of the Cannabis Dispensary site, and payment of all fees, taxes and any other amounts owed to the City related to the Cannabis dispensary activity. All provisions of this Chapter shall apply to both Cannabis Businesses permits and Cannabis Dispensary permits, except provisions for Cannabis Dispensary permits specifically set forth in this Chapter, in which case the specific provisions related to Cannabis Dispensary permits will control.

- (g) "Cannabis Distributor" means a Cannabis Operator permitted pursuant to this Chapter to operate a location or a facility where a Person conducts the business of procuring Cannabis from permitted Cannabis Cultivation Sites or Cannabis Manufacturers for sale to permitted Cannabis Dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to permitted Cannabis Dispensaries.
- (h) "Cannabis License" means a State license issued pursuant to MAUCRSA, as may be amended from time to time.
- (i) "Cannabis Licensee" means a Person issued a Cannabis License under MAUCRSA to engage in commercial Cannabis activity.
- (j) "Cannabis Nursery" means a location operating as a nursery solely for purposes of supplying immature plants to cannabis cultivation facilities.
- (k) "Cannabis Operator" or "Operator" means the Person or entity that is engaged in the conduct of any commercial Cannabis use.
- (l) "Cannabis Testing Laboratory" means a facility, entity, or site in the State that offers or performs tests of Cannabis or Cannabis Products and is both of the following:
 - a. Accredited by an accrediting body that is independent from all other Persons involved in the Cannabis Testing Laboratory.
 - b. Registered with the California Department of Public Health.
- (m) "City" or "City of California City" means the City of California City, a California general law city.
- (n) "Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including cannabis.
- (o) "Cultivation site" means a facility where cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and where the operator holds a valid cannabis business permit for cultivation from the City of California City and, a valid state license for cultivation pursuant to the MAUCRSA (as the same may be amended from time to time).
- (p) "Delivery" means the commercial transfer of ~~medical-cannabis~~ or ~~medical~~ cannabis products from a dispensary, up to an amount determined to be authorized by the State of California, or any of its departments or divisions, to anyone for any purpose. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of California under the MAUCRSA (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.
- (q) "Dispensary" means a cannabis business facility where cannabis, ~~medical~~ cannabis products, or devices for the use of ~~medical~~ cannabis or ~~medical~~ cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, ~~medical~~ cannabis and ~~medical~~ cannabis products as part of a retail sale, and where the operator holds a valid cannabis business permit from the City of California City authorizing the

operation of a dispensary, and a valid state license as required by state law to operate a dispensary.

- (r) "Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a dispensary.
- (s) "Distribution" means the procurement, sale, and transport of medical cannabis or cannabis products between cannabis businesses.
- (t) "Distributor" means a person holding a valid cannabis business permit for distribution issued by the City of California City, and a valid state license for distribution, pursuant to the MAUCRSA (as the same may be amended from time to time).
- (u) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (v) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medical-cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.
- (w) "Indoor structure" means a fully enclosed and secured structure, a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, complies with all odor control and other design standards required by this chapter, and which is accessible only through one or more lockable doors and is inaccessible to minors.
- (x) "Indoors" means within a fully enclosed and secure structure. The term indoors includes any indoor structures.
- (y) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
- (z) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, where the operator holds a valid cannabis business permit for manufacturing from the City of California City and a valid state license for manufacturing pursuant to the MAUCRSA (as the same may be amended from time to time).
- (aa) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.
- (bb) "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Cannabis business permit for manufacturing from the City of California City, and a valid state license for manufacturing pursuant to the MAUCRSA (as the same may be amended from time to time).
- (cc) "Marijuana" means "cannabis," as that term is defined in this Chapter.

- (dd) "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.
- (ee) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- (ff) "State license" means a permit or license issued by the State of California, or one of its departments or divisions, pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" ("MAUCRSA") (as the same may be amended from time to time) to engage in cannabis activity.
- (gg) (gg) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (hh) "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting cannabis activity authorized by the MAUCRSA (as the same may be amended from time to time).
- (ii) "Transporter" means a person issued a state license, and a cannabis business permit by the City of California City, authorizing the transport of cannabis or cannabis products in amounts authorized by the State of California, or by one of its departments or divisions under the MCRSA.

**ARTICLE 3. - CANNABIS BUSINESS PERMITS REQUIRED FOR OWNER/OPERATOR;
CANNABIS WORK PERMIT REQUIRED FOR EMPLOYEES**

Sec. 5-6.301. - Cannabis business Permit Required to Engage in Cannabis business.

No person may engage in any cannabis business or operate a cannabis dispensary within the City of California City including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid cannabis business permit or cannabis dispensary permit from the City of California City and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the cannabis business activities, including the duty to obtain any required state licenses.

Sec. 5-6.302. - Cannabis Business Employee Permit Required.

- (a) Any person who is an employee or who otherwise works or volunteers within a cannabis business must be legally authorized to do so under applicable state law.
- (b) Any person who is an employee or who otherwise works or volunteers within a cannabis business shall wear a name badge issued by the cannabis business management for identification purposes.

**ARTICLE 4. - NUMBER AND TYPE OF AUTHORIZED CANNABIS DISPENSARIES
PERMITTED**

Sec. 5-6.401. - Maximum Number of Cannabis Dispensaries Permitted to Operate within the City.

- (a) The maximum number of each type of cannabis dispensary that shall be permitted to operate in the City at any one (1) given time will be a maximum of two (2) retail storefront operations and two (2) delivery only dispensaries with no retail storefront. Retail storefront dispensaries are also authorized, with the required state license, to make off-site deliveries.

- (b) Section 5-6.401 is only intended to create a maximum number of cannabis dispensaries that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the cannabis business dispensary permits potentially available.

ARTICLE 5. - APPLICATION FOR CANNABIS BUSINESS PERMIT: RENEWAL
APPLICATIONS; AND EFFECT OF REVOCATION OR SUSPENSION OF STATE LICENSE
Sec. 5-6.501. - Initial Application Procedure.

- (a) The City Manager will prepare the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any cannabis business permit(s), except for cannabis dispensary permits. The City Manager will prepare the necessary forms, adopt any necessary rules, regulations and processes, solicit applications, and conduct evaluations of the applicants.
- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process. An application shall not be deemed complete, and will not be processed, until the designated application fees have been paid. Once submitted, all fees shall be non-refundable.
- (c) After the initial review the City Manager will issue permits for all cannabis businesses except for dispensaries. For cannabis dispensary permits, the City Manager will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with Article 7.
- (d) The City's Reservation of Rights: The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other appropriate reasons for rejection, including but not limited to a failure to comply with any requirement of any State or local law, rule or regulation, an application RISKS BEING REJECTED for any of the following reasons:
- (1) Proposal not containing the required elements, exhibits, nor organized in the required format.
 - (2) Proposal considered not fully responsive to this request for permit application.

Sec. 5-6.502. - Expiration of Cannabis Business Permits.

Each cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Cannabis Business permits may be renewed as provided in Section 5-6.504.

Sec. 5-6.503. - Revocation of Permits.

Cannabis Business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter.

Sec. 5-6.504. - Renewal Applications.

- (a) An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to

administer the program created under this Chapter. Once submitted to the City all fees shall be non-refundable.

- (c) An application for renewal of a cannabis business permit shall be rejected if any of the following exists:
- (1) The application is filed less than sixty (60) days before its expiration, unless good cause is shown for failure to timely apply as approved in the sole discretion of the City Manager.
 - (2) The cannabis business permit is suspended or revoked at the time of the application.
 - (3) The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - (4) The cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.
 - (5) The permittee fails or is unable to renew its State of California license.
 - (6) If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the City's Municipal Code, or of the state rules and regulations, or of any term or condition of the permit, and the City or state has determined that the violation is grounds for termination or revocation of the cannabis business permit.
- (d) The City Manager or his designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his designee shall be handled pursuant to Article 6 of this Chapter.
- (e) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

Sec. 5-6.505. - Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City of California City.

Sec. 5-6.506. - Prohibition on Transfer of Cannabis Business Permits.

(a) No person shall operate a cannabis business at any location other than the location specifically authorized and identified on the City issued cannabis business permit. A permittee may request that the specifically authorized location identified on the City issued cannabis business permit be changed to another specifically authorized location without the need to reapply for a new permit. The City Council is authorized to make the final all-decisions concerning the issuance of a change in location and reissue of the cannabis business permit for the new location.

(b) Cannabis business permits issued through the grant of a transfer by the City Council shall be valid for a period of one year beginning on the day the City Manager approves the transfer of

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the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this chapter.

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(c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 75% of the original ownership), must be approved by the City Council and executed by the City Manager through the transfer process set forth in this section. Failure to comply with this provision is grounds for permit revocation.

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(d) A permittee may change the form of business entity without applying to the City Manager for a transfer of permit, provided that either:

1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 75% of the membership is identical), or
2. If the original permittee is a cooperative or collective and then transitions to a new business entity to comply with Section 5-6.301, subdivision (b), provided that the original operator(s) of the original permittee business are the same, and the only change is removing collective/cooperative members from the ownership of the new business entity.

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Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.

(e) No cannabis business permit may be transferred when the City Manager or Police Chief has notified the permittee that the permit has been or may be suspended or revoked.

(f) Any attempt to transfer a cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

ARTICLE 6. - APPEALS

Sec. 5-6.601. - Appeals from Decisions of the City Manager or his Designee under this Chapter.

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Manager or his or her designee, the appeal shall be conducted as prescribed in this Chapter.

Sec. 5-6.602. - Written request for Appeal.

(a) Within ten (10) calendar days after the date of a decision of the City Manager or his designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

(b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

Sec. 5-6.603. - Appeal Hearing.

(a) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the City.

- (b) The appeal shall be held within a reasonable time after the filing of the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
- (c) At the hearing the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- (d) At the conclusion of the hearing the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be final.

ARTICLE 7. – CANNABIS DISPENSARY PERMITTEE SELECTION PROCESS

Sec. 5-6.701. - Selection and Review of Finalists.

- (a) The City Council shall adopt by resolution a procedure by which the applicants in each category of cannabis dispensary will be presented to the City Council for a final determination at a public meeting.
- (b) The top applicants in each category of cannabis dispensary that are selected for final consideration may be invited to attend the City Council meeting, where they will be expected to make a public presentation introducing their teams and providing an overview of their proposals. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
- (c) At least ten (10) days prior to the hearing, notice of the hearing shall be sent to all property owners located within three hundred (300) feet of the proposed dispensary locations of each of the finalists to be considered by the City Council.
- (d) The City Council shall rank the final candidates and shall select the top candidate in each category of cannabis dispensary, which candidate shall become the prevailing candidate. The City Council's decision as to the selection of the prevailing candidates shall be final.
- (e) Official issuance of the cannabis dispensary permit, however, is conditioned upon the prevailing candidate obtaining all required land use approvals. Following the Council's selection, the prevailing candidate shall apply to the City to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall comply with all applicable provisions of CEQA. The City Manager shall formally issue the cannabis dispensary permit once the City Manager and Building Department have both affirmed that all of the required land use approvals have been obtained.
- (f) Issuance of a cannabis dispensary permit does not create a land use entitlement. The cannabis dispensary permit will be for a term of twelve (12) months and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter and of the permit, have been complied with.
- (g) Notwithstanding anything in this Chapter to the contrary, the City Council reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis dispensary permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter.
- (h) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.

- (i) Each person granted a cannabis dispensary permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit program created in this Chapter.

Sec. 5-6.702. - Permits Issued to Back-up Applicants.

The City Council reserves the right at any time, in its sole discretion, to simply restart the selection process over.

Alternatively, within eighteen (18) months following the issuance of any cannabis dispensary permit, if any of the candidates chosen by the City Council to be permitted withdraws from the process or its application is terminated for any reason, the City Council may direct staff to determine whether the runner-up applicant (ranked next highest after those chosen for permitting in the same category) in that category, based on the final ranking of the finalist, still desires a permit. If the applicant still desires a permit, city staff shall proceed to hold a public hearing, which will include notice to surrounding property owners, to evaluate the runner-up candidate's application for potential issuance of a permit. The City will utilize the same process which was used for the applicants chosen to receive permits. Prior to the hearing, the runner-up applicant shall be required to complete any additional requirements, and to update any information from its original application, which the City Manager or his/her designee may determine is reasonably required to verify that the applicant still appropriately qualified and has met all requirements. The City Council shall then hold the public hearing and make a determination whether a permit should be issued to the runner-up applicant or be denied. If the Council determines a permit should be issued, the applicant shall be required to follow the same process for land use and zoning approvals, before a permit will officially be issued.

Notwithstanding the foregoing, the City shall have no obligation to offer the permit to the runner-up applicant if an applicant has withdrawn its application, or if the Council finds, based on substantial evidence that the applicant no longer qualifies, is in violation of state or local laws or regulations, or that it would not be in the community's best interest to grant the permit as a result of impacts on the community's health, safety or welfare.

ARTICLE 8. - REQUIREMENTS BEFORE PERMITTEE MAY COMMENCE OPERATIONS

Sec. 5-6.801. - City Business License.

Prior to commencement of operations a cannabis business shall obtain a City of California City business license.

Sec. 5-6.802. - Building Permits and Inspection.

Prior to commencement of operations a cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), fire department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

Sec. 5-6.803. - Certification from Building Department.

Prior to commencing operations, a cannabis business must obtain a certification from the City Manager certifying that the business is located on a site that meets all of the requirements of the City's Zoning and Municipal Code, including Title 9, Chapter 2, Article 29 (Cannabis businesses).

Sec. 5-6.804. - Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a cannabis business permit pursuant to this Chapter, any person intending to open and to operate a cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide

a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the cannabis business on the owner's property.

Sec. 5-6.805. - Limitations on City's Liability.

To the fullest extent permitted by law, the City of California City shall not assume any liability whatsoever with respect to having issued a cannabis business permit pursuant to this Chapter or otherwise approving the operation of any cannabis business. As a condition to the approval of any cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the cannabis business permit:

- (a) They must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of California City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis business permit, the City's decision to approve the operation of the cannabis business or activity, the process used by the City in making its decision, the alleged violation of any federal, state or local laws by the cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Attorney.
- (c) Reimburse the City of California City for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of California City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's cannabis business permit, or related to the City's approval of a cannabis activity. The City of California City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

ARTICLE 9. - OPERATING REQUIREMENTS FOR ALL CANNABIS BUSINESSES PERMITTED UNDER THIS CHAPTER

Sec. 5-6.901. - Records and Recordkeeping.

- (a) Each owner and operator of a cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.
- (b) Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, telephone number, and percentage of ownership) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the City Manager or his/her designee(s) upon a reasonable request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a cannabis business, the register required by this paragraph shall also include the name and contact information of a person designated as being able to answer all questions on behalf of that entity, together with the name of every person holding an interest in that cannabis business. The designated representative shall provide whatever additional information the

City Manager or his/her designee or the Police Department may reasonably request concerning the owners of that entity.

- (c) All cannabis businesses shall maintain an inventory control and reporting system as required by state law.
- (d) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each cannabis business shall allow City of California City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than two (2) business days after receipt of the City's request, unless otherwise stipulated by the City.

Sec. 5-6.902. - Security Measures.

- (a) A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Except as may otherwise be determined by the City, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time
- (b) Every cannabis business and cannabis dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. As part of an Application for a cannabis use, each applicant shall prepare and submit a security plan for review and approval by the Chief of Police, which plans shall remain updated and secured on file in the protective custody of the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.
- (c) The City Council may impose further security requirements above and beyond the minimum-security requirements imposed by State regulations, upon the recommendation of the City Manager in consultation with the Chief of Police based on the unique circumstances associated with a particular cannabis business. Except as may otherwise be determined by the City Council, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time.
- (d) A cannabis business shall identify a designated security representative/liaison to the City of California City, who shall be reasonably available to meet with the City Manager, the City's Police Chief, the City Fire Chief, or their designees, regarding any security related measures or and operational issues.
- (e) The cannabis business shall cooperate with the City whenever the City Manager or his designee makes a request, upon reasonable notice to the cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.
- (f) A cannabis business shall notify the Chief of Police and the City Manager or his/her designee within twenty-four (24) hours after discovering any of the following:

- (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Council Manager working in consultation with the Chief of Police.
- (2) Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
- (3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business.
- (4) Any other breach of security.

~~(g) A minimum of one Security Guard is required at all times at each cannabis business and delivery-only dispensary as follows:~~

~~-Minimum age 21 if armed and 18 years of age if unarmed~~

~~-Complete State of California Security Guard Program~~

~~-Background Check/Criminal History~~

~~Distinctively marked uniforms with company ID attached to uniform~~

~~-Distinctively marked patrol vehicles (no Black/Whites)~~

~~Retail Cannabis Dispensaries shall have 2 security guards unless a lesser number is approved by the City Council upon recommendation of the Chief of Police based on the effectiveness of the security plan implemented by the cannabis dispensary, with the security guards meeting the following qualifications:~~

~~Minimum age 21 if armed and 18 years of age if unarmed~~

~~Complete State of California Security Guard Program~~

~~Background Check/Criminal History~~

~~Distinctively marked uniforms with company ID attached to uniform~~

~~Distinctively marked patrol vehicles (no Black/Whites)~~

~~Retail Storefront Cannabis Dispensaries shall have 2 security guards unless a lesser number is approved by the City Council upon recommendation of the City Manager in consultation with the Chief of Police based on the effectiveness of the security plan implemented by the cannabis dispensary, with the security guards meeting the following qualifications:~~

~~Minimum age 21 if armed and 18 years of age if unarmed~~

~~Complete State of California Security Guard Program~~

~~Background Check/Criminal History~~

~~Distinctively marked uniforms with company ID attached to uniform~~

~~Distinctively marked patrol vehicles (no Black/Whites)~~

(g) When more than one cannabis businesses or dispensary is located adjacent to, or in close proximity to another cannabis business or dispensary, the businesses or dispensaries may present a joint security plan to the Chief of Police for review and approval to avoid redundant activity and excess costs, provided the required level of security and effectiveness are not compromised, as determined by the Chief of Police.

Sec. 5-6.903. - Restriction on Alcohol Sales.

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the cannabis business.

Sec. 5-6.905. - Fees and Charges.

- (a) No person may commence or continue any cannabis activity in the City, without timely paying in full all fees, taxes and charges required for the operation of a cannabis activity. Fees and charges associated with the operation of a cannabis activity shall be established by resolution of the City Council which may be amended from time to time.
- (b) All cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each cannabis businesses shall be required to cooperate with City with respect to any request to audit the cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Sec. 5-6.906. - Miscellaneous Operating Requirements.

- (a) Hours of Operation. Cannabis businesses operating as retail storefront dispensaries may be open for access to the public only between the hours of 8:00 A.M. and 7:00 P.M.
- (b) Other cannabis businesses may operate only during the hours specified in the cannabis business permits issued by the City.
- (c) Restriction on Consumption. Cannabis shall not be smoked, ingested, used, or otherwise consumed on the property or premises of a cannabis businesses or elsewhere in the City of California City, other than within private residences.
- (d) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (e) Emergency Contact. Each cannabis business shall provide the City Manager or his/her designee(s), the City's Chief of Police, and the City's Fire Chief with the name, telephone number (including mobile number) of one or more on-site employee(s) or owner(s), to whom emergency notice can be provided at any hour of the day.
- (f) Signage and Notices.
 - (1) In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of the California City Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.
 - (2) No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.

- (3) Each entrance to a cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.
 - (4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - (5) Signage shall not be directly illuminated, internally or externally, except that the name and address of the business may be illuminated at night. No banners, flags, billboards or other prohibited signs may be used at any time.
 - (6) Holders of cannabis dispensary permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any cannabis business located in the City of California City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere within fifty (50) miles of the City limits. This paragraph is not intended to place limitations on the ability of a cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.
- (g) Minors.
- (1) Persons under the age of eighteen (18) years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a cannabis business who is not at least eighteen (18) years of age.
 - (2) The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) years of age is permitted to enter upon the premises of the cannabis business.
- (h) Odor Control. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment, or any other equipment which the City Manager or his/her designee(s) determine is a more effective method or technology:
- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
 - (2) An air system that creates negative air pressure between the cannabis business's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.
- (i) Display of Permit and City Business License. The original copy of the cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis business in a location readily-visible to the public.

- (j) **Background Check.** Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, or supervisor of the cannabis business must submit fingerprints and other information deemed necessary by the City Manager or his/her designee(s) for a background check. The City Manager shall contract with a qualified third party to conduct the required background check and report back to the City the results. The City shall not disseminate the information reported to it as a result of the background check to any private party. Also pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of record, no person shall be issued a permit to operate a cannabis business or related work permit unless they have first cleared the background check. A fee for the cost of the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a cannabis business permit is submitted. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or if the applicant withdraws their application, any fees paid for this process will be deemed non-refundable.
- (k) **Loitering.** The owner and/or operator of a cannabis business, and the owner of the underlying parcel, shall prohibit loitering by persons outside the cannabis business, whether the loitering is occurring immediately outside the business or anywhere else on their property or parcel.
- (l) **Permits and other Approvals.** Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to establish and to operate.

ARTICLE 10. - ADDITIONAL REQUIREMENTS FOR DISPENSARIES

Sec. 5-6.1001. - Operating Requirements.

- (a) Owners and Operators are required to verify the age and the necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years.
- (d) Dispensaries may have on-site, in the retail sales area of the dispensary, only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale.
- (e) At no time shall cannabis or cannabis products be donated or given away, unless it is for a valid purpose and pursuant to a program authorized in writing in advance by the City.
- (f) All restroom facilities shall remain locked and under the control of management.

ARTICLE 11. - ADDITIONAL REQUIREMENTS FOR CULTIVATION FACILITIES

Sec. 5-6.1101. - Operating Requirements.

- (a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors, and only in a facility holding a valid cannabis business permit from the City under this Chapter. All outdoor cultivation is prohibited.

The above restriction against outdoor cultivation specifically includes, but is not limited to, a prohibition on the outdoor cultivation of any plants which an individual may be growing for his/her personal use, if the growth of plants for personal use is authorized under State law.

- (b) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (e) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (f) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a cannabis business:
 - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).
 - (2) A description of a legal water source, irrigation plan, and projected water use.
 - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
 - (4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

ARTICLE 12. - ADDITIONAL REQUIREMENTS FOR DELIVERY DISPENSING SERVICES

Sec. 5-6.1201. - Permitted; Association with Dispensaries.

Mobile delivery of cannabis from dispensaries shall be permitted pursuant to this Chapter. Delivery of cannabis from a dispensary permitted pursuant to this Chapter can only be made in a city or county that does not expressly prohibit it by ordinance.

ARTICLE 13. - ADDITIONAL REQUIREMENTS FOR MANUFACTURED CANNABIS

Sec. 5-6.1301. - Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate manufacturing zoning districts as described in Title 9, Chapter 2, Article 29, subject to the regulations set forth in this Chapter, and subject to whatever

additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council.

Sec. 5-6.1302. - Packaging and Labeling.

- (a) Before a cannabis manufacturer delivers any edible cannabis or edible cannabis product to a dispensary, the same shall be labeled and placed in tamper-evident packaging which at least meets the requirements of California Business and Professions Code Section 19347, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of California.
- (b) All items to be sold or distributed shall be individually wrapped at the original point of preparation by the business permitted as a cannabis manufacturer.
- (c) Labeling must include a warning if nuts or other known allergens are used and must include the total weight (in ounces or grams) of cannabis in the package.
- (d) A warning that the item is a medication and not a food must be clearly legible on the front of the package.
- (e) The package must have a label warning that the product is to be kept away from children.
- (f) The label must also state that the product contains cannabis and must specify the date of manufacture.
- (g) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the cannabis manufacturing business.
- (h) Deliveries must be in a properly labeled opaque package when delivered.
- (i) The City Council may impose additional packaging and labeling requirements on cannabis or cannabis products by resolution, as permitted by law.

ARTICLE 14. - APPLICATION OF CHAPTER; OTHER LEGAL DUTIES

Sec. 5-6.1401. - Promulgation of Regulations and Standards.

- (a) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis business permits, the ongoing operation of cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter, provided such regulations are approved by the City Council before they are implemented.
- (b) Regulations shall be published on the City's website.
- (c) Regulations promulgated by the City Manager shall become effective upon date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his designee.

Sec. 5-6.1402. - Community Relations.

- (a) Each cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the cannabis business can be provided. Each cannabis business shall also provide the above information to all businesses and residences located within two hundred (200) feet of the cannabis business and shall provide opportunity for those businesses and residents within two hundred (200) feet to visit and to tour the cannabis business at least once on a mutually convenient date and time. Any additional request shall be at the sole discretion of the cannabis business operator.

- (b) During the first year of actual operation of a cannabis business pursuant to this Chapter, the owner, manager, and community relations representative from each cannabis business holding a permit issued pursuant to this Chapter shall attend a quarterly meeting with the City Manager or his/her designee(s) to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such cannabis business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Sec. 5-6.1403. - Fees Deemed Debt to City of California City.

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of California City that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

Sec. 5-6.1404. - Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of California City, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the cannabis business whether or not said violations occur within the permit holder's presence.

Sec. 5-6.1405. - Inspection and Enforcement.

- (a) The City's Police Department, Fire Department, Code Enforcement and Building Department, and Finance Department are charged with enforcing the provisions of the California City Municipal Code, or any provision thereof, may enter the location of a cannabis business at any time during the hours of operation without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
- (b) It is unlawful for any person having responsibility over the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under State or local law.

Sec. 5-6.1406. - Concurrent Regulation with State.

It is the stated intent of this Chapter to regulate cannabis activity in the City of California City concurrently with the State of California.

ARTICLE 15. - VIOLATIONS AND ENFORCEMENT

Sec. 5-6.1501. - Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

Sec. 5-6.1502. - Each Violation a Separate Offense.

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the California City Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of California City may also pursue any and all remedies and actions available and applicable under State and

local laws for any violations committed by the cannabis business or persons related to, or associated with, the cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, his/her designee, or the Chief of Police, may take immediate action to temporarily suspend a cannabis business permit issued by the City, pending a hearing before the City Council.

Sec. 5-6.1503. - Criminal Penalties.

Each and every violation of the provisions of this Chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Sec. 5-6.1504. - Remedies Cumulative and Not Exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REPEALING AND REENACTING TITLE 5, CHAPTER 6, ENTITLED “MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITY”

WHEREAS, on November 11, 2017, the City Council adopted Ordinance No. Ord. No. 17-757, amending Chapter 6 of Title 5 of the City of California City municipal code which established a permitting and regulation system for medical cannabis businesses to locate within the City of California, including medical cannabis cultivation, manufacturing, dispensing, transporting, distribution and testing laboratories business; and

WHEREAS, since the initial adoption of Title 5, Chapter 6 of the California City Municipal Code the state adopted SB 94 entitled the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (“MAUCRSA”) on June 8, 2017, which consolidated the licensure and regulation of commercial medicinal and adult-use cannabis activities, and repealed the state statutory provision that had been added by Prop 64 (“Control, Regulate and Tax Adult-Use of Marijuana Act”) and the Medical Cannabis Regulation and Safety Act; and

WHEREAS, the City Council desires to update the City of California City Municipal Code references to the applicable state cannabis laws; and

WHEREAS, the City Council further desires to amend Chapter 6 of Title 5 of the Municipal Code , and

WHEREAS, this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR § 15061(B)(3) because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment because increasing the maximum number of marijuana businesses does not change the fact that such businesses may only be established in areas already established in the general plan and zoning code for businesses such as these and because marijuana businesses have essentially the same impacts as the other types of businesses authorized in such zones; and

WHEREAS, the City Council now desires to repeal and reenact in its entirety Chapter 6 of Title 5 of the California City Municipal Code currently titled “Medical Cannabis Related Businesses and Activity” to align with the language of applicable state cannabis laws, emergency and final regulations enacted by the State of California, and the City’s experience to date with implementing Chapter 6 of Title 5; and

WHEREAS, the City Council has the authority under the MACURSA and its police power to regulate the operation of medical cannabis businesses within the City in the manner done so within this Ordinance.

NOW THEREFORE, the City Council of the City of California City does ordain as follows:

SECTION 1. Chapter 6 of Title 5 of the City of California City Municipal Code is hereby renamed Regulation of Cannabis Related Businesses and Activity.

SECTION 2. Chapter 6 of Title 5 of the City of California City Municipal Code is hereby repealed and reenacted to read as follows:

CHAPTER 6. - REGULATION OF CANNABIS RELATED BUSINESSES AND ACTIVITY.

ARTICLE 1. - GENERAL PROVISIONS

Sec. 5-6.101. - Purpose and Intent.

Cannabis Businesses and Cannabis Dispensaries shall be permitted, in accordance with the criteria and procedures set forth in this code, upon application and approval of a regulatory permit pertaining to the operation of the facility. It is the purpose and intent of this Chapter to provide opportunities for cannabis businesses to operate in the City, while imposing regulations on the use of land to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing, processing, testing, transporting, delivery, dispensing, and distribution of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of California City, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required in order to own and/or to operate a cannabis business within California City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county or other law.

Sec. 5-6.102. - Legal Authority; Application of this Chapter to Cannabis Dispensaries.

- (a) Pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" ("MAUCRSA") (and as the same may be amended from time to time), the City of California City is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the

minimum standards applicable in the City of California City to cannabis, and/or cannabis-related activity.

- (b) All provisions of this Chapter shall apply to both Cannabis Businesses and Cannabis Dispensaries, except for the provisions specifically addressing Cannabis Dispensaries set forth in this Chapter, in which case the specific provisions related to Cannabis Dispensaries will control.

Sec. 5-6.103. - Cannabis Cultivation and Cannabis Business Activities Prohibited Unless Specifically Authorized by This Chapter.

Except as specifically authorized in this Chapter, the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, distribution, delivery, or sale of cannabis or a cannabis product is expressly prohibited in the City of California City.

Sec. 5-6.104. - Compliance with Laws.

It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder, and any specific additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate federal, state law or local law with respect to the operation of a cannabis business.

ARTICLE 2. - DEFINITIONS

Sec. 5-6.201. - Words and Terms Defined.

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

- (b) "Cannabis business activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis or a cannabis product, within the meaning of California Business and Professions Code 19300 et seq.
- (c) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- (d) "Cannabis Business" means the businesses of commercial cannabis cultivation, cannabis manufacturer, cannabis testing laboratory, and cannabis distributor.
- (e) "Cannabis business permit" means a regulatory permit issued by the City of California City pursuant to this Chapter to a cannabis business and is required before any cannabis activity may be conducted in the City. The initial permit and annual renewal of a cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City governing the cannabis activity at issue, compliance with any conditions of approval placed on the use of the Cannabis Business site, and payment of all fees, taxes and any other amounts owed to the City related to the Cannabis Business Activity.
- (f) "Cannabis Dispensary Permit" means a regulatory permit issued by the City of California City pursuant to this Chapter to a cannabis dispensary and is required before any cannabis dispensing activity may be conducted in the City. The initial permit and annual renewal of a cannabis dispensary permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City governing the cannabis activity at issue, compliance with any conditions of approval placed on the use of the Cannabis Dispensary site, and payment of all fees, taxes and any other amounts owed to the City related to the Cannabis dispensary activity. All provisions of this Chapter shall apply to both Cannabis Businesses permits and Cannabis Dispensary permits, except provisions for Cannabis Dispensary permits specifically set forth in this Chapter, in which case the specific provisions related to Cannabis Dispensary permits will control.
- (g) "Cannabis Distributor" means a Cannabis Operator permitted pursuant to this Chapter to operate a location or a facility where a Person conducts the business of procuring Cannabis from permitted Cannabis Cultivation Sites or Cannabis Manufacturers for sale to permitted Cannabis Dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to permitted Cannabis Dispensaries.
- (h) "Cannabis License" means a State license issued pursuant to MAUCRSA, as may be amended from time to time.
- (i) "Cannabis Licensee" means a Person issued a Cannabis License under MAUCRSA to engage in commercial Cannabis activity.

- (j) "Cannabis Nursery" means a location operating as a nursery solely for purposes of supplying immature plants to cannabis cultivation facilities.
- (k) "Cannabis Operator" or "Operator" means the Person or entity that is engaged in the conduct of any commercial Cannabis use.
- (l) "Cannabis Testing Laboratory" means a facility, entity, or site in the State that offers or performs tests of Cannabis or Cannabis Products and is both of the following:
 - 1. Accredited by an accrediting body that is independent from all other Persons involved in the Cannabis Testing Laboratory.
 - 2. Registered with the California Department of Public Health.
- (m) "City" or "City of California City" means the City of California City, a California general law city.
- (n) "Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including cannabis.
- (o) "Cultivation site" means a facility where cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and where the operator holds a valid cannabis business permit for cultivation from the City of California City and, a valid state license for cultivation pursuant to the MAUCRSA (as the same may be amended from time to time).
- (p) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined to be authorized by the State of California, or any of its departments or divisions, to anyone for any purpose. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of California under the MAUCRSA (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.
- (q) "Dispensary" means a cannabis business facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, medical cannabis and medical cannabis products as part of a retail sale, and where the operator holds a valid cannabis business permit from the City of California City authorizing the operation of a dispensary, and a valid state license as required by state law to operate a dispensary.
- (r) "Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a dispensary.
- (s) "Distribution" means the procurement, sale, and transport of medical cannabis or cannabis products between cannabis businesses.

- (t) "Distributor" means a person holding a valid cannabis business permit for distribution issued by the City of California City, and a valid state license for distribution, pursuant to the MAUCRSA (as the same may be amended from time to time).
- (u) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (v) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medical cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.
- (w) "Indoor structure" means a fully enclosed and secured structure, a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, complies with all odor control and other design standards required by this chapter, and which is accessible only through one or more lockable doors and is inaccessible to minors.
- (x) "Indoors" means within a fully enclosed and secure structure. The term indoors includes any indoor structures.
- (y) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.
- (z) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, where the operator holds a valid cannabis business permit for manufacturing from the City of California City and a valid state license for manufacturing pursuant to the MAUCRSA (as the same may be amended from time to time).
- (aa) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.
- (bb) "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Cannabis business permit for manufacturing from the City of California City, and a valid state license for manufacturing pursuant to the MAUCRSA (as the same may be amended from time to time).
- (cc) "Marijuana" means "cannabis," as that term is defined in this Chapter.
- (dd) "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.

- (ee) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- (ff) "State license" means a permit or license issued by the State of California, or one of its departments or divisions, pursuant to Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" ("MAUCRSA") (as the same may be amended from time to time) to engage in cannabis activity.
- (gg) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (hh) "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting cannabis activity authorized by the MAUCRSA (as the same may be amended from time to time).
- (ii) "Transporter" means a person issued a state license, and a cannabis business permit by the City of California City, authorizing the transport of cannabis or cannabis products in amounts authorized by the State of California, or by one of its departments or divisions under the MCRSA.

ARTICLE 3. - CANNABIS BUSINESS PERMITS REQUIRED FOR OWNER/OPERATOR; CANNABIS WORK PERMIT REQUIRED FOR EMPLOYEES

Sec. 5-6.301. - Cannabis business Permit Required to Engage in Cannabis business.

No person may engage in any cannabis business or operate a cannabis dispensary within the City of California City including cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid cannabis business permit or cannabis dispensary permit from the City of California City and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the cannabis business activities, including the duty to obtain any required state licenses.

Sec. 5-6.302. - Cannabis Business Employee Permit Required.

- (a) Any person who is an employee or who otherwise works or volunteers within a cannabis business must be legally authorized to do so under applicable state law.
- (b) Any person who is an employee or who otherwise works or volunteers within a cannabis business shall wear a name badge issued by the cannabis business management for identification purposes.

ARTICLE 4. - NUMBER AND TYPE OF AUTHORIZED CANNABIS DISPENSARIES PERMITTED

Sec. 5-6.401. - Maximum Number of Cannabis Dispensaries Permitted to Operate within the City.

(a) The maximum number of each type of cannabis dispensary that shall be permitted to operate in the City at any one (1) given time will be a maximum of two (2) retail storefront operations and two (2) delivery only dispensaries with no retail storefront. Retail storefront dispensaries are also authorized, with the required state license, to make off-site deliveries.

(b) Section 5-6.401 is only intended to create a maximum number of cannabis dispensaries that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the cannabis business dispensary permits potentially available.

ARTICLE 5. - APPLICATION FOR CANNABIS BUSINESS PERMIT: RENEWAL APPLICATIONS; AND EFFECT OF REVOCATION OR SUSPENSION OF STATE LICENSE

Sec. 5-6.501. - Initial Application Procedure.

(a) The City Manager will prepare the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any cannabis business permit(s), except for cannabis dispensary permits. The City Manager will prepare the necessary forms, adopt any necessary rules, regulations and processes, solicit applications, and conduct evaluations of the applicants.

(b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process. An application shall not be deemed complete, and will not be processed, until the designated application fees have been paid. Once submitted, all fees shall be non-refundable.

(c) After the initial review the City Manager will issue permits for all cannabis businesses except for dispensaries. For cannabis dispensary permits, the City Manager will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with Article 7.

(d) The City's Reservation of Rights: The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other appropriate reasons for rejection, including but not limited to a failure to comply with any requirement of any State or local law, rule or regulation, an application RISKS BEING REJECTED for any of the following reasons:

- (1) Proposal not containing the required elements, exhibits, nor organized in the required format.

- (2) Proposal considered not fully responsive to this request for permit application.

Sec. 5-6.502. - Expiration of Cannabis Business Permits.

Each cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Cannabis Business permits may be renewed as provided in Section 5-6.504.

Sec. 5-6.503. - Revocation of Permits.

Cannabis Business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter.

Sec. 5-6.504. - Renewal Applications.

(a) An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

(b) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter. Once submitted to the City all fees shall be non-refundable.

(c) An application for renewal of a cannabis business permit shall be rejected if any of the following exists:

(1) The application is filed less than sixty (60) days before its expiration, unless good cause is shown for failure to timely apply as approved in the sole discretion of the City Manager.

(2) The cannabis business permit is suspended or revoked at the time of the application.

(3) The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.

(4) The cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the City's Municipal Code, or of the state rules and regulations, or of any term or condition of the permit, and the City or state has determined that the violation is grounds for termination or revocation of the cannabis business permit.

(d) The City Manager or his designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his designee shall be handled pursuant to Article 6 of this Chapter.

(e) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

Sec. 5-6.505. - Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City of California City.

Sec. 5-6.506. - Prohibition on Transfer of Cannabis Business Permits.

(a) No person shall operate a cannabis business at any location other than the location specifically authorized and identified on the City issued cannabis business permit. A permittee may request that the specifically authorized location identified on the City issued cannabis business permit be changed to another specifically authorized location without the need to reapply for a new permit. The City Council is authorized to make the final decision concerning the issuance of a change in location and reissue of the cannabis business permit for the new location.

(b) Cannabis business permits issued through the grant of a transfer shall be valid for a period of one year beginning on the day the City Manager approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this chapter.

(c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 75% of the original ownership), must be approved by the City Council and executed by the City Manager through the transfer process set forth in this section. Failure to comply with this provision is grounds for permit revocation.

(d) A permittee may change the form of business entity without applying to the City Manager for a transfer of permit, provided that either:

1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 75% of the membership is identical), or
2. If the original permittee is a cooperative or collective and then transitions to a new business entity to comply with Section 5-6.301, subdivision (b), provided that the original operator(s) of the original permittee business are the same, and the only change is removing collective/cooperative members from the ownership of the new business entity.

Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.

(e) No cannabis business permit may be transferred when the City Manager or Police Chief has notified the permittee that the permit has been or may be suspended or revoked.

(f) Any attempt to transfer a cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

ARTICLE 6. - APPEALS

Sec. 5-6.601. - Appeals from Decisions of the City Manager or his Designee under this Chapter. Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Manager or his or her designee, the appeal shall be conducted as prescribed in this Chapter.

Sec. 5-6.602. - Written request for Appeal.

(a) Within ten (10) calendar days after the date of a decision of the City Manager or his designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

(b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

Sec. 5-6.603. - Appeal Hearing.

(a) Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the City.

(b) The appeal shall be held within a reasonable time after the filing of the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.

(c) At the hearing the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

(d) At the conclusion of the hearing the City Council may affirm, reverse or modify the decision appealed. The decision of the City Council shall be final.

ARTICLE 7. – CANNABIS DISPENSARY PERMITTEE SELECTION PROCESS

Sec. 5-6.701. - Selection and Review of Finalists.

(a) The City Council shall adopt by resolution a procedure by which the applicants in each category of cannabis dispensary will be presented to the City Council for a final determination at a public meeting.

(b) The top applicants in each category of cannabis dispensary that are selected for final consideration may be invited to attend the City Council meeting, where they will be expected to make a public presentation introducing their teams and providing an overview of their proposals.

In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.

(c) At least ten (10) days prior to the hearing, notice of the hearing shall be sent to all property owners located within three hundred (300) feet of the proposed dispensary locations of each of the finalists to be considered by the City Council.

(d) The City Council shall rank the final candidates and shall select the top candidate in each category of cannabis dispensary, which candidate shall become the prevailing candidate. The City Council's decision as to the selection of the prevailing candidates shall be final.

(e) Official issuance of the cannabis dispensary permit, however, is conditioned upon the prevailing candidate obtaining all required land use approvals. Following the Council's selection, the prevailing candidate shall apply to the City to obtain any required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall comply with all applicable provisions of CEQA. The City Manager shall formally issue the cannabis dispensary permit once the City Manager and Building Department have both affirmed that all of the required land use approvals have been obtained.

(f) Issuance of a cannabis dispensary permit does not create a land use entitlement. The cannabis dispensary permit will be for a term of twelve (12) months and shall expire at the end of the twelve (12) month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter and of the permit, have been complied with.

(g) Notwithstanding anything in this Chapter to the contrary, the City Council reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis dispensary permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter.

(h) If an application is denied, a new application may not be filed for one (1) year from the date of the denial.

(i) Each person granted a cannabis dispensary permit shall be required to pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit program created in this Chapter.

Sec. 5-6.702. - Permits Issued to Back-up Applicants.

The City Council reserves the right at any time, in its sole discretion, to simply restart the selection process over.

Alternatively, within eighteen (18) months following the issuance of any cannabis dispensary permit, if any of the candidates chosen by the City Council to be permitted withdraws from the process or its application is terminated for any reason, the City Council may direct staff to determine whether the runner-up applicant (ranked next highest after those chosen for permitting

in the same category) in that category, based on the final ranking of the finalist, still desires a permit. If the applicant still desires a permit, city staff shall proceed to hold a public hearing, which will include notice to surrounding property owners, to evaluate the runner-up candidate's application for potential issuance of a permit. The City will utilize the same process which was used for the applicants chosen to receive permits. Prior to the hearing, the runner-up applicant shall be required to complete any additional requirements, and to update any information from its original application, which the City Manager or his/her designee may determine is reasonably required to verify that the applicant still appropriately qualified and has met all requirements. The City Council shall then hold the public hearing and make a determination whether a permit should be issued to the runner-up applicant or be denied. If the Council determines a permit should be issued, the applicant shall be required to follow the same process for land use and zoning approvals, before a permit will officially be issued.

Notwithstanding the foregoing, the City shall have no obligation to offer the permit to the runner-up applicant if an applicant has withdrawn its application, or if the Council finds, based on substantial evidence that the applicant no longer qualifies, is in violation of state or local laws or regulations, or that it would not be in the community's best interest to grant the permit as a result of impacts on the community's health, safety or welfare.

ARTICLE 8. - REQUIREMENTS BEFORE PERMITTEE MAY COMMENCE OPERATIONS

Sec. 5-6.801. - City Business License.

Prior to commencement of operations a cannabis business shall obtain a City of California City business license.

Sec. 5-6.802. - Building Permits and Inspection.

Prior to commencement of operations a cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), fire department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

Sec. 5-6.803. - Certification from Building Department.

Prior to commencing operations, a cannabis business must obtain a certification from the City Manager certifying that the business is located on a site that meets all of the requirements of the City's Zoning and Municipal Code, including Title 9, Chapter 2, Article 29 (Cannabis businesses).

Sec. 5-6.804. - Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a cannabis business permit pursuant to this Chapter, any person intending to open and to operate a cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and

notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the cannabis business on the owner's property.

Sec. 5-6.805. - Limitations on City's Liability.

To the fullest extent permitted by law, the City of California City shall not assume any liability whatsoever with respect to having issued a cannabis business permit pursuant to this Chapter or otherwise approving the operation of any cannabis business. As a condition to the approval of any cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the cannabis business permit:

(a) They must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of California City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis business permit, the City's decision to approve the operation of the cannabis business or activity, the process used by the City in making its decision, the alleged violation of any federal, state or local laws by the cannabis business or any of its officers, employees or agents.

(b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Attorney.

(c) Reimburse the City of California City for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of California City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's cannabis business permit, or related to the City's approval of a cannabis activity. The City of California City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

ARTICLE 9. - OPERATING REQUIREMENTS FOR ALL CANNABIS BUSINESSES PERMITTED UNDER THIS CHAPTER

Sec. 5-6.901. - Records and Recordkeeping.

(a) Each owner and operator of a cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.

(b) Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, telephone number, and percentage of ownership) of anyone owning or holding an interest in the cannabis business, and separately of all

the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the City Manager or his/her designee(s) upon a reasonable request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a cannabis business, the register required by this paragraph shall also include the name and contact information of a person designated as being able to answer all questions on behalf of that entity, together with the name of every person holding an interest in that cannabis business. The designated representative shall provide whatever additional information the City Manager or his/her designee or the Police Department may reasonably request concerning the owners of that entity.

(c) All cannabis businesses shall maintain an inventory control and reporting system as required by state law.

(d) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each cannabis business shall allow City of California City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than two (2) business days after receipt of the City's request, unless otherwise stipulated by the City.

Sec. 5-6.902. - Security Measures.

(a) A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Except as may otherwise be determined by the City, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time.

(b) Every cannabis business and cannabis dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. As part of an Application for a cannabis use, each applicant shall prepare and submit a security plan for review and approval by the Chief of Police, which plans shall remain updated and secured on file in the protective custody of the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

(c) The City Council may impose further security requirements above and beyond the minimum-security requirements imposed by State regulations, upon the recommendation of the City Manager in consultation with the Chief of Police based on the unique circumstances associated with a particular cannabis business. Except as may otherwise be determined by the City Council, these security measures shall include compliance with all State security regulations required under the

Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time.

(d) A cannabis business shall identify a designated security representative/liaison to the City of California City, who shall be reasonably available to meet with the City Manager, the City's Police Chief, the City Fire Chief, or their designees, regarding any security related measures or and operational issues.

(e) The cannabis business shall cooperate with the City whenever the City Manager or his designee makes a request, upon reasonable notice to the cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

(f) A cannabis business shall notify the Chief of Police and the City Manager or his/her designee within twenty-four (24) hours after discovering any of the following:

- (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager working in consultation with the Chief of Police.
- (2) Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
- (3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business.

(g) When more than one cannabis businesses or dispensary is located adjacent to, or in close proximity to another cannabis business or dispensary, the businesses or dispensaries may present a joint security plan to the Chief of Police for review and approval to avoid redundant activity and excess costs, provided the required level of security and effectiveness are not compromised, as determined by the Chief of Police.

Sec. 5-6.903. - Restriction on Alcohol Sales.

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the cannabis business.

Sec. 5-6.905. - Fees and Charges.

(a) No person may commence or continue any cannabis activity in the City, without timely paying in full all fees, taxes and charges required for the operation of a cannabis activity. Fees and charges associated with the operation of a cannabis activity shall be established by resolution of the City Council which may be amended from time to time.

(b) All cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each cannabis businesses shall be required to cooperate with City with respect to any request to audit the cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Sec. 5-6.906. - Miscellaneous Operating Requirements.

(a) Hours of Operation. Cannabis businesses operating as retail storefront dispensaries may be open for access to the public only between the hours of 8:00 A.M. and 7:00 P.M.

(b) Other cannabis businesses may operate only during the hours specified in the cannabis business permits issued by the City.

(c) Restriction on Consumption. Cannabis shall not be smoked, ingested, used, or otherwise consumed on the property or premises of a cannabis businesses or elsewhere in the City of California City, other than within private residences.

(d) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

(e) Emergency Contact. Each cannabis business shall provide the City Manager or his/her designee(s), the City's Chief of Police, and the City's Fire Chief with the name, telephone number (including mobile number) of one or more on-site employee(s) or owner(s), to whom emergency notice can be provided at any hour of the day.

(f) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of the California City Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.

(2) No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally, except that the name and address of the business may be illuminated at night. No banners, flags, billboards or other prohibited signs may be used at any time.

(6) Holders of cannabis dispensary permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any cannabis business located in the City of California City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere within fifty (50) miles of the City limits. This paragraph is not

intended to place limitations on the ability of a cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

(g) Minors.

(1) Persons under the age of eighteen (18) years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a cannabis business who is not at least eighteen (18) years of age.

(2) The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of eighteen (18) years of age is permitted to enter upon the premises of the cannabis business.

(h) Odor Control. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment, or any other equipment which the City Manager or his/her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the cannabis business's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.

(i) Display of Permit and City Business License. The original copy of the cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis business in a location readily-visible to the public.

(j) Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, or supervisor of the cannabis business must submit fingerprints and other information deemed necessary by the City Manager or his/her designee(s) for a background check. The City Manager shall contract with a qualified third party to conduct the required background check and report back to the City the results. The City shall not disseminate the information reported to it as a result of the background check to any private party. Also pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal

conduct on the part of the subject of record, no person shall be issued a permit to operate a cannabis business or related work permit unless they have first cleared the background check . A fee for the cost of the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a cannabis business permit is submitted. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or if the applicant withdraws their application, any fees paid for this process will be deemed non-refundable.

(k) Loitering. The owner and/or operator of a cannabis business, and the owner of the underlying parcel, shall prohibit loitering by persons outside the cannabis business, whether the loitering is occurring immediately outside the business or anywhere else on their property or parcel.

(l) Permits and other Approvals. Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to establish and to operate.

ARTICLE 10. - ADDITIONAL REQUIREMENTS FOR DISPENSARIES

Sec. 5-6.1001. - Operating Requirements.

(a) Owners and Operators are required to verify the age and the necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years.

(d) Dispensaries may have on-site, in the retail sales area of the dispensary, only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale.

(e) At no time shall cannabis or cannabis products be donated or given away, unless it is for a valid purpose and pursuant to a program authorized in writing in advance by the City.

(f) All restroom facilities shall remain locked and under the control of management.

ARTICLE 11. - ADDITIONAL REQUIREMENTS FOR CULTIVATION FACILITIES

Sec. 5-6.1101. - Operating Requirements.

(a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors, and only in a facility holding a valid cannabis business permit from the City under this Chapter. All outdoor cultivation is prohibited.

The above restriction against outdoor cultivation specifically includes, but is not limited to, a prohibition on the outdoor cultivation of any plants which an individual may be growing for his/her personal use, if the growth of plants for personal use is authorized under State law.

(b) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

(c) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

(d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(e) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

(f) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a cannabis business:

(1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).

(2) A description of a legal water source, irrigation plan, and projected water use.

(3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

(4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

ARTICLE 12. - ADDITIONAL REQUIREMENTS FOR DELIVERY DISPENSING SERVICES

Sec. 5-6.1201. - Permitted; Association with Dispensaries.

Mobile delivery of cannabis from dispensaries shall be permitted pursuant to this Chapter. Delivery of cannabis from a dispensary permitted pursuant to this Chapter can only be made in a city or county that does not expressly prohibit it by ordinance.

ARTICLE 13. - ADDITIONAL REQUIREMENTS FOR MANUFACTURED CANNABIS

Sec. 5-6.1301. - Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.

The manufacturing of food or other products infused with or which otherwise contain cannabis may be manufactured within the appropriate manufacturing zoning districts as described in Title 9, Chapter 2, Article 29, subject to the regulations set forth in this Chapter, and subject to whatever additional regulations may be promulgated hereunder by an ordinance or resolution of the City Council.

Sec. 5-6.1302. - Packaging and Labeling.

(a) Before a cannabis manufacturer delivers any edible cannabis or edible cannabis product to a dispensary, the same shall be labeled and placed in tamper-evident packaging which at least meets the requirements of California Business and Professions Code Section 19347, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of California.

(b) All items to be sold or distributed shall be individually wrapped at the original point of preparation by the business permitted as a cannabis manufacturer.

(c) Labeling must include a warning if nuts or other known allergens are used and must include the total weight (in ounces or grams) of cannabis in the package.

(d) A warning that the item is a medication and not a food must be clearly legible on the front of the package.

(e) The package must have a label warning that the product is to be kept away from children.

(f) The label must also state that the product contains cannabis and must specify the date of manufacture.

(g) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the cannabis manufacturing business.

(h) Deliveries must be in a properly labeled opaque package when delivered.

(i) The City Council may impose additional packaging and labeling requirements on cannabis or cannabis products by resolution, as permitted by law.

ARTICLE 14. - APPLICATION OF CHAPTER; OTHER LEGAL DUTIES

Sec. 5-6.1401. - Promulgation of Regulations and Standards.

(a) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the

issuance, denial or renewal of cannabis business permits, the ongoing operation of cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter, provided such regulations are approved by the City Council before they are implemented.

(b) Regulations shall be published on the City's website.

(c) Regulations promulgated by the City Manager shall become effective upon date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his designee.

Sec. 5-6.1402. - Community Relations.

(a) Each cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the cannabis business can be provided. Each cannabis business shall also provide the above information to all businesses and residences located within two hundred (200) feet of the cannabis business and shall provide opportunity for those businesses and residents within two hundred (200) feet to visit and to tour the cannabis business at least once on a mutually convenient date and time. Any additional request shall be at the sole discretion of the cannabis business operator.

(b) During the first year of actual operation of a cannabis business pursuant to this Chapter, the owner, manager, and community relations representative from each cannabis business holding a permit issued pursuant to this Chapter shall attend a quarterly meeting with the City Manager or his/her designee(s) to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such cannabis business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Sec. 5-6.1403. - Fees Deemed Debt to City of California City.

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of California City that is recoverable via an authorized administrative process as set forth in the Municipal Code, or in any court of competent jurisdiction.

Sec. 5-6.1404. - Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of California City, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the cannabis business whether or not said violations occur within the permit holder's presence.

Sec. 5-6.1405. - Inspection and Enforcement.

(a) The City's Police Department, Fire Department, Code Enforcement and Building Department, and Finance Department are charged with enforcing the provisions of the California City Municipal Code, or any provision thereof, may enter the location of a cannabis business at any time during the hours of operation without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.

(b) It is unlawful for any person having responsibility over the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under State or local law.

Sec. 5-6.1406. - Concurrent Regulation with State.

It is the stated intent of this Chapter to regulate cannabis activity in the City of California City concurrently with the State of California.

ARTICLE 15. - VIOLATIONS AND ENFORCEMENT

Sec. 5-6.1501. - Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

Sec. 5-6.1502. - Each Violation a Separate Offense.

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the California City Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of California City may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the cannabis business or persons related to, or associated with, the cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, his/her designee, or the Chief of Police, may take immediate action to temporarily suspend a cannabis business permit issued by the City, pending a hearing before the City Council.

Sec. 5-6.1503. - Criminal Penalties.

Each and every violation of the provisions of this Chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than twelve (12) months, or by both such

fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Sec. 5-6.1504. - Remedies Cumulative and Not Exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in the Mojave Desert News, a newspaper of general circulation printed and published in the County of Kern and circulated in the City of California City and hereby designated for that purpose by the City Council.

This Ordinance was introduced and read by title only on the ____ day of July, 2018 and was passed and adopted on this the ____th day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Jennifer Wood, Mayor

ATTEST:

APPROVED AS TO FORM

Denise Hilliker, City Clerk

Christian Bettenhausen, City Attorney

